

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-5212 of 2023

Date of decision: 19th September, 2023

Daljit Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Neeraj Yadav, Advocate for the petitioner.
Mr. Jashanpreet Singh, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This petition under Section 482 Cr.P.C. is filed seeking quashing of FIR No. 106 dated 9.4.2021, under Section 174-A IPC, registered at Police Station Division B, Amritsar declaring the petitioner as proclaimed person on 22.1.2018 in Complaint Case No. 2979 of 2016 filed under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act').

2. Brief facts are that Eagle Enterprises filed a complaint under Section 138 of the Act on dishonouring of cheque issued by the petitioner. On non-appearance of petitioner he was declared proclaimed person vide order dated 22.1.2018. On gaining knowledge of the complaint, the petitioner entered into a compromise and the complaint was withdrawn by the complainant.

3. Learned counsel for the petitioner submits that the trial Court erred in issuing proclamation under Section 82 Cr.P.C. He further submits that the petitioner was declared proclaimed person on 22.1.2018 and the impugned FIR having been lodged after three years of passing of the order is barred by limitation under Section 468 Cr.P.C. The contention is that the complaint under Section 138 of the Act was withdrawn by the complainant

as the matter was compromised.

4. Learned State counsel on instructions is not disputing the factum of compromise between the parties in the complaint under Section 138 of the Act.

5. In *Vikas Sharma vs. Gurpreet Singh Kohli and another (supra), 2017, (3) L.A.R. 584, Microqual Techno Limited and others Vs. State of Haryana and another, 2015 (32) RCR (Crl.) 790 and Rajneesh Khanna Vs. State of Haryana and another” 2017(3) L.A.R. 555*, wherein, in an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174-A of IPC shall be nothing but an abuse of the process of law.

6. There is no dispute that the complaint under Section 138 of the Act was withdrawn. The petitioner had already put in appearance before the Court and was granted bail. Continuation of proceedings under Section 174-A IPC would be an abuse of process of law.

7. Considering the facts and circumstances of the case in totality, FIR No. 106 dated 9.4.2021, under Section 174-A IPC, registered at Police Station Division B, Amritsar and order declaring the petitioner as proclaimed person on 22.1.2018 in Complaint Case No. 2979 of 2016 filed under Section 138 of the Act is quashed.

8. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

19th September, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |