

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

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CRM-M-11065-2023

Date of decision: 02.03.2023

RAMESH KUMAR

....Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Davinder Kumar, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

AMAN CHAUDHARY. J.

The present petition has been filed under Section 482 Cr.P.C. for quashing the FIR No. 491 dated 10.11.2022 under Section 174-A IPC, 1860 registered at Police Station Sector-17, HUDA, Jagadhari, Yamunanagar, District Yamunanagar.

Learned counsel for the petitioner contends that a complaint under Section 138 of the Negotiable Instruments Act was filed against the petitioner wherein he was initially declared proclaimed person vide order dated 31.01.2022 (Annexure P-4). The matter thereafter was amicably settled between the complainant and the petitioner on the basis of the compromise, whereon the complaint filed by the complainant was dismissed as withdrawn before the Court of Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhari vide order dated 17.02.2023, Annexure P-6. However, pursuant to the petitioner having declared as proclaimed person, FIR under Section 174-A was registered against him on 10.11.2022. He further submits that once the matter in

itself stands withdrawn by way of compromise, the continuation of the proceedings of the FIR would be an abuse of process of the Court.

Learned State counsel has no objection to the prayer made in view of the compromise.

Heard.

Admittedly, the parties have compromised the matter and consequently, the complaint under Section 138 of the N.I. Act itself was ordered to be withdrawn by the Court on 17.02.2023.

In similar set of facts and circumstances, while referring to the judgments of this Court in *Microqual Techno R.C.R. (Criminal) 790*; *Rajneesh Khanna v. State of Haryana and another*, 2017 (3) L.A.R. 555 and CRM-M32612 of 2020, *Surender Singh v. State of Haryana and another* decided 12.01.2021, this Court in the case of **“Murli Jha vs State of Haryana”, 2021(3) R.C.R. (Criminal)563**”, quashed the proceedings initiated under Section 174-A IPC by observing that, “I have considered the rival submissions of the parties. The FIR is an outcome of the order declaring the petitioner as a proclaimed person in proceedings initiated under section 138 of NI Act which stands settled, the complaint has been withdrawn and the proceedings against the accused petitioner were dropped. In such circumstances, the continuation of prosecution under Section 174-A IPC in pursuance to orders passed by the trial Court cannot be permitted to continue. ”

In view of the aforesaid facts and circumstances of the case and the decisions referred to hereinabove, this Court finds that the continuation of proceedings against the petitioner pursuant to FIR in question, would be an abuse of process of law. Accordingly, the present petition is allowed and FIR No. 491

dated 10.11.2022 under Section 174-A IPC, 1860 registered at Police Station
Sector-17, HUDA, Jagadhari, Yamunanagar, District Yamunanagar, is quashed.

(AMAN CHAUDHARY)
JUDGE

02.03.2023
Mehak

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No