

2023 : PHHC : 042237

**256/1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-9145-2020
Date of Decision: 15.03.2023**

RAVINDER YADAV
V/S
STATE OF HARYANA

**... PETITIONER

... RESPONDENT**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.P.Sharma, Advocate for the petitioner.
Mr. Surinder Kumar Dagar, DAG Haryana.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking to quash the FIR No. 83 dated 27.01.2020 under Section 174-A IPC, registered at Police Station Bhiwani Sadar, Bhiwani, Annexure P-1.

Learned counsel for the petitioner contends that Surender had instituted a complaint under Sections 138 of the Negotiable Instruments Act on account of dishonor of a cheque for a sum of Rs. 50,000/- issued by the petitioner. During the course of proceedings in the trial Court, the petitioner had absented from the proceedings and in terms of the order dated 20.11.2019, the petitioner was declared a proclaimed person. Besides, the learned trial Court had also directed the Officer-in-charge of the concerned Police Station to register an FIR under Section 174-A IPC. Consequently, the FIR No. 83 dated 27.01.2020 under Section 174-A IPC has been registered at Police Station Bhiwani Sadar.

It has been further submitted that during the course of proceedings in the complaint under Section 138 of the Negotiable

Instruments Act, the dispute was amicably settled between the parties. The petitioner had paid the entire outstanding amount to Surrender, complainant in that case. The petitioner had put appearance in the learned trial Court, he was admitted on bail and on the basis of the statement of the complainant, the complaint was dismissed as withdrawn in terms of the order dated 11.02.2020. It has been further submitted that amicable settlement took place in Daily Lok Adalat. In view of the amicable settlement between the parties, the FIR registered under Section 174-A IPC is liable to be quashed.

Learned State counsel has contended that the FIR No. 83 dated 27.01.2020 under Section 174-A IPC has been registered at Police Station Bhiwani Sadar, Bhiwani, as the petitioner was declared a proclaimed person and in pursuance of the order passed by the learned trial Court.

The material on record is indicative of the fact that the complaint under Section 138 of the Negotiable Instruments Act was instituted against the petitioner by Surrender on account of dishonor of cheque of Rs. 50,000/-. Significantly, in view of the amicable settlement with the intervention of the Lok Adalat, the complaint has been dismissed as withdrawn in terms of the order dated 11.02.2020.

A co-ordinate bench of this Court in **CRM-M-43813-2018** titled as “**Baldev Chand Bansal vs. State of Haryana and another**”, decided on **29.01.2019** has held as under:-

“Learned counsel for the petitioner has relied upon the decisions rendered by this Court 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 174A of IPC shall
be nothing but an abuse of the process of law.”*

The dispute with regard to the dishonor of the cheque has been amicably settled between the parties and the complaint has been dismissed as withdrawn. Consequently, it shall be appropriate to quash the FIR, which has been registered under Section 174-A IPC against the petitioner to put a quietus to the entire controversy.

Keeping in view the aforesaid facts and circumstances emerging in the instant case and the ends of justice will meet if the petition is allowed and accordingly, the FIR No. 83 dated 27.01.2020 under Section 174-A IPC, registered at Police Station Bhiwani Sadar, Bhiwani and the consequential proceedings against the petitioner are quashed.

The petition is allowed.

15.03.2023

Janki

**(VIVEK PURI)
JUDGE**

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