

CRM-M-11752 of 2023

2023:PHHC:074542

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11752 of 2023

Date of decision: 19.05.2023

R. Gopinath

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Sukhdeep Singh, Advocate,
for Mr. Parminder Singh, Advocate,
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

NAMIT KUMAR, J.

1. This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.1275 dated 16.10.2018 under Section 174-A of IPC registered at Police Station Karnal City, District Karnal.

2. Learned counsel for the petitioner *inter alia* submits that in the complaint under Section 138 of Negotiable Instruments Act, 1881 filed by Zee Laboratories Limited-complainant, petitioner was summoned by the trial Court, however, in order to deprive petitioner of his legal right to defend the complaint, wrong address of the petitioner was mentioned, therefore, he could not appear before the trial Court, as he was not aware about any such proceedings. He further submits that trial Court without complying with the provisions of Section 82 of Cr.P.C. declared the petitioner as proclaimed offender, which ultimately resulted into registration of FIR No.1275 dated 16.10.2018

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and initiation of proceedings under Section 174-A IPC. He further submits that the main dispute which was under Section 138 of the Negotiable Instruments Act, out of which, proceedings under Section 174-A of IPC have been emerged, had already been concluded vide order dated 29.07.2019 (Annexure P-4) passed by the learned Judicial Magistrate Ist Class, Karnal, as the matter had been compromised between the parties. He submits that once the original proceedings have come to an end with the compromise between the parties, therefore, the present proceedings under Section 174-A of IPC arising out of the original proceedings should also come to an end. To support his contention he relies upon the judgment of this Court passed in '**Aditya Goyal vs. State of Haryana**' CRM-M-11269-2019 decided on 07.05.2019.

3. In the above said judgment, this Court has quashed the proceedings under Section 174-A of IPC where the main proceedings have already been concluded. The relevant portion from **Aditya Goyal's case (Supra)** is 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*

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Section 174-A of IPC shall be nothing but an abuse of the process of law.”

4. Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position.

5. After hearing learned counsel for the parties, I find merit in the present petition.

6. Since the main complaint filed by the complainant under Section 138 of the N.I. Act itself stands dismissed as withdrawn by the trial Court keeping in view the fact that petitioner has cleared the entire dues, this Court is of the opinion that continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.

7. Accordingly, this petition is allowed and FIR No. 1275 dated 16.10.2018, registered under Section 174-A IPC at Police Station Karnal City, District Karnal is hereby quashed.”

19.05.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No