

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

118

CRM-M-12607-2023 (O&M)

Date of decision: 15.03.2023

RAJA SINGH @ RAJ SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Neeraj Madaan, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

Mr. Vaibhav Nagori, Advocate
for respondent No.2.

AMAN CHAUDHARY. J.

The present petition has been filed under Section 482 Cr.P.C. for quashing the FIR No.0009 dated 08.01.2020 under Section 174-A IPC, 1860 registered at Police Station City Fazilka, District Fazilka.

Learned counsel for the petitioner submits that in the complaint filed under Section 138 of Negotiable Instruments Act, the petitioner was declared proclaimed person vide order dated 12.07.2019, whereafter, the FIR under Section 174-A IPC was registered against the petitioner on 08.01.2020. Subsequently, there were compromise that was effected between the parties and statement qua compromise was recorded on 01.02.2021, Annexure P-6 and the complaint itself was withdrawn vide order of even date. He relies on orders passed by this Court in the cases of **Davindra Mahajan Vs. State of Haryana** in CRM-M-24841-2022, decided on 02.06.2022 and **Rajesh Vs. State of Haryana** in CRM-M-50829-2022, decided on 09.11.2022.

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

Learned counsel for the complainant puts in appearance and affirms the factum of compromise having been arrived at and has no objection for the present petition to be allowed and the FIR be quashed.

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have compromised the matter and consequently, the complaint under Section 138 of the N.I. Act itself was ordered to be withdrawn by the Court on 01.02.2021

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.0009 dated 08.01.2020 under Section 174-A IPC, 1860 registered at Police Station City Fazilka, District Fazilka, is quashed.

(AMAN CHAUDHARY)
JUDGE

March 15, 2023

M.Kamra

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