

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16316-2023
Date of Decision:-13.04.2023

CHETAN KARWAL

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Anshul Sharma, Advocate and
Mr. Rahul Verma, Advocate
for the petitioner.

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KARAMJIT SINGH, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.929 dated 1.11.2019 registered under Section 174-A IPC at Police Station City, District Panipat and all the subsequent orders thereof.

Counsel for the petitioner has submitted that complainant-Kapil filed criminal complaint against the petitioner under Section 138 of Negotiable Instruments Act on account of dishonour of cheque. It is further submitted that in the said proceedings under Section 138 of Negotiable Instruments Act, the petitioner was declared proclaimed person and the Court concerned gave directions to the local police to register FIR under Section 174-A IPC against the petitioner. Consequently, the impugned FIR

was registered. It is further submitted that in the meantime, compromise was effected between the parties and finally, the aforesaid criminal complaint filed under Section 138 of Negotiable Instruments Act was dismissed as withdrawn vide order dated 20.02.2023 (Annexure P-4) by the Court of Judicial Magistrate Ist Class, Panipat. Counsel for the petitioner further submitted that once the proceedings under Section 138 of Negotiable Instruments Act have been withdrawn, then continuation of the proceedings in the impugned FIR would be an abuse of the process of Court.

Notice of motion.

On the asking of the Court, Mr. Naveen Kumar Sheoran, DAG, Haryana. accepts notice on behalf of State and has opposed the present petition and has submitted that no ground is made out to quash the impugned FIR which has been correctly registered at the instance of the Court concerned.

Mr. Nitin Mittoo, Advocate who is appearing on behalf of complainant-Kapil has submitted that he has no objection if the present petition is allowed and the impugned FIR is quashed as the matter has already been compromised between the parties.

I have considered the submissions made by the counsel for the parties.

Undoubtedly, the impugned FIR is offshoot of the proceedings under Section 138 of Negotiable Instruments Act which were initiated at the instance of the complainant. The said proceedings under Section 138 of Negotiable Instruments Act have already attained finality as the parties entered into compromise and the criminal complaint under Section 138 of

Negotiable Instruments Act was dismissed as withdrawn vide order dated 20.02.2023 (Annexure P-4).

In view of the matter, since the main complaint filed under Section 138 of Negotiable Instruments Act stands withdrawn the matter being compromised between the parties, therefore, continuation of the proceedings under Section 174-A IPC would be nothing but an abuse of the process of law.

In light of above, I find merit in the present petition and accordingly, the present petition is allowed and FIR No.929 dated 1.11.2019 registered under Section 174-A IPC at Police Station City, District Panipat and all other subsequent proceedings arising thereof are hereby quashed qua the petitioner.

13.04.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No