

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

206

CRM-M-16814-2023 (O&M)

Date of decision: 15.05.2023

Subhash Bansal and another

....Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Jatin Bansal, Advocate for the petitioners

Mr. Praveen Bhadu, AAG Haryana

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 482 Cr.P.C. for quashing the FIR No.1848 dated 09.11.2022 registered under Section 174-A IPC, 1860 at Police Station Shivaji Nagar, District Gurugram.

2. Learned counsel for the petitioners contends that a complaint under Section 138 of the Negotiable Instruments Act was filed against the petitioners wherein they were declared proclaimed persons vide order dated 13.06.2022, Annexure P-2. The matter thereafter was amicably settled between the complainant and the petitioners on the basis of a compromise. Thereafter, the complaint was withdrawn by the complainant and the petitioners were acquitted by the learned Judicial Magistrate First Class vide order dated 09.11.2022, Annexure P-12. However, pursuant to the petitioners having been declared as proclaimed persons, FIR under Section 174-A IPC was registered against them on 09.11.2022. He further submits that once the matter in itself stands withdrawn by

way of compromise as also the petitioners having been acquitted by the learned trial Court vide order dated 09.11.2022, Annexure P-12, the continuation of the proceedings of the FIR would be an abuse of process of the Court.

3. On the oral request of the learned counsel for the petitioners, M/s India Infoline Housing Finance Limited is impleaded as respondent No.2 in the array of respondents. Registry is directed to carry out necessary amendment.

4. Mr. Vineet Sehgal, Advocate puts in appearance on behalf of respondent No.2 and affirms the aforesaid factum of compromise having been arrived at between the parties and petitioners being acquitted by the learned trial Court vide order dated 09.11.2022, Annexure P-12.

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

6. Heard.

7. 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have compromised the matter and consequently, the complaint under Section 138 of the N.I. Act itself was ordered to be withdrawn and the petitioners have been acquitted by the Court on 09.11.2022, Annexure P-12.

8. In similar set of facts and circumstances, while referring to the judgments of this Court in **Microqual Techno Limited and others vs. State of Haryana**, 2015(3) R.C.R.(Criminal) 790; **Rajneesh Khanna vs. State of Haryana and another**, 2017 (3) L.A.R. 555 and CRM-M32612 of 2020, **Surender Singh vs. 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. ”

9. 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 petitioners pursuant to FIR in question, would be an abuse of process of law. Accordingly, the present petition is allowed and FIR No.1848 dated 09.11.2022 registered under Section 174-A IPC, 1860 at Police Station Shivaji Nagar, District Gurugram, is quashed.

(AMAN CHAUDHARY)
JUDGE

15.05.2023
S.Sharma(syr)

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