

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-18341-2022 (O&M)

Date of decision: 27.02.2023

LALITA AGGARWAL @ SANGITA AGGARWAL

....Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Deepak Aggarwal, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG Haryana.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 482 CrPC for quashing of FIR No.400 dated 04.12.2021 under Section 174-A IPC registered at police station Urban Estate, District Hisar, Haryana.

Learned counsel for the petitioner submits that a complaint under Section 138 of the Negotiable Instruments Act was filed against the partnership firm M/s Avon Tubes and the two partners thereof namely Yogita and Lalita Aggarwal. It is his further submission that though the partner Yogita appeared before the trial Court and was convicted vide judgment dated 02.03.2015, Annexure P-3 and appeal was filed against the same, wherein a compromise was effected before the Daily Lok Adalat on 07.10.2016 and the offence was permitted to be compounded and the accused-appellant was acquitted of the charges levelled against her. He submits that during the pendency of the proceedings of the complaint, the petitioner had been declared proclaimed person vide order dated 28.02.2014, Annexure P-2, leading to lodging of FIR No.400 dated 04.12.2021 registered under Section 174-A IPC. He further submits that she

was not served in the said complaint. However, his further submission is that now the entire matter stands compromised and offence has been compounded before the Daily Lok Adalat on 07.10.2016. The continuation of the proceedings of the FIR would be an abuse of process of the Court.

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

Despite service none has appeared on behalf of respondent No.2.

Heard.

In similar set of facts and circumstances, wherein the complaint filed under Section 138 of the Negotiable Instruments Act, 1881, itself stands withdrawn, this Court quashed the proceedings initiated under Section 174-A IPC being an abuse of process of law:-

1. ***“Murli Jha vs State of Haryana”, 2021(3) R.C.R.(Criminal)563.***
2. ***“Microqual Techno Limited and others vs State of Haryana”, 2015 (3) R.C.R.(Criminal) 790.***
3. ***“Ram Kumar Rana vs State of Haryana and another”, 2022(1) R.C.R. (Criminal) 294.***
4. ***“Ashok Madan vs State of Haryana and another”, 2020(4) R.C.R. (Criminal) 87.***

In the case of **Murli Jha** (supra), it has been held as under:-

“8. 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 the orders passed by the trial Court cannot be permitted to continue. Reference in this connection may be made 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, Surrender Singh v. State of Haryana and

another decided 12.01.2021. ”

Furthermore, in CRM-M-43813-2018 titled as "**Baldev Chand Bansal vs. State of Haryana and another**", decided on 29.01.2019, this Court passed the following orders:-

"Prayer in this petition is for quashing of FIR No.64 dated 15.02.2017 filed under Section 174-A of the Indian Penal Code registered at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof as well as order dated 24.10.2016 passed by the trial Court vide which a direction was issued to register the aforesaid FIR. 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. ”

In view of the aforesaid facts and circumstances of the case that the offence under Section 138 of the Negotiable Instruments Act, 1881, itself having been compounded by the Daily Lok Adalat, and the decisions in cases of **Murli Jha** and **Baldev Chand Bansal** (supra), continuation of proceeding in FIR No.400 dated 04.12.2021 under Section 174-A IPC registered at police station Urban Estate, District Hisar, Haryana, which has been registered consequent to order dated 28.02.2014, passed by learned Chief Judicial Magistrate, Hisar being abuse of process of Court is quashed.

(AMAN CHAUDHARY)
JUDGE

February 27, 2023

M.Kamra

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