

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

134

CRM-M-18311-2023 (O&M)

Date of decision: 17.04.2023

MONU

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vishal Khatkar, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 482 Cr.P.C. for quashing the FIR No.0381 dated 06.08.2019 under Section 174-A IPC, registered at Police Station HTM Hisar, District Hisar.

2. Learned counsel for the petitioner contends that a complaint under Section 138 of the Negotiable Instruments Act was filed against the petitioner wherein he was initially declared as proclaimed person vide order dated 04.07.2019, Annexure P-1, pursuant to which FIR under Section 174-A IPC was registered against him. Thereafter, he appeared before the learned trial Court on 13.11.2019 and furnished his surety bonds, copy of order is annexed as Annexure P-3. The petitioner was thereafter convicted in the complaint vide judgment dated 19.11.2019, passed by learned JMIC, Hisar. However, the matter was amicably settled between the parties at the appellate stage on the basis of the compromise effected, before the Daily Lok Adalat, Hisar, whereby the judgment of conviction and order of sentence was set aside and the petitioner was acquitted of the

accusation under Section 138 NI Act. He further submits that once the matter in itself stands compromised as also the petitioner having appeared before the learned trial Court on 13.11.2019 and he was admitted on bail, the continuation of the proceedings of the FIR would be an abuse of process of the Court.

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

4. Heard.

5. Admittedly, the parties have compromised the matter at the appellate stage and the judgment of conviction and order of sentence has been set aside and the accused has been acquitted. The petitioner had also surrendered before the trial Court on 13.11.2019 and was enlarged on bail.

6. 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. ”

7. 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.0381 dated 06.08.2019 under Section 174-A IPC, registered at Police Station HTM Hisar, District Hisar, is quashed.

(AMAN CHAUDHARY)
JUDGE

April 17, 2023
S.Sharma(syr)

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