

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

120

**CRM-M-21314-2022
Decided on : 11.01.2023**

Praveen Kumar

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Surender Pal, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

Prayer in this petition, filed under Section 482 of the Code of Criminal Procedure, 1973, is for setting aside of order dated 24.04.2019 (Annexure P-2), passed by Ld. JMIC, Jind, in a Complaint Case filed under Section 138 of the Negotiable Instruments Act, 1881 (in short, 'NI Act') bearing case No.NACT/691 of 2016, dt. 22.12.2016, titled as, "German Agro Vs. Praveen Kumar", vide which, petitioner was declared proclaimed person, and further seeking quashing of FIR No.349, dated 11.09.2019, under Section 174-A of IPC, registered at Police Station Civil Line Jind (Annexure P-3), as well as all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner submits that main case i.e. criminal complaint under Section 138 of NI Act, on account of compromise between the parties, has already been withdrawn by the complainant by giving statement before the Court below, which also reflects from the order dated 20.01.2020 (Annexure P-6), passed by Ld. JMIC, Jind, vide which complaint was ordered to be dismissed as withdrawn.

3. Learned counsel for the petitioner further submits that

declaration of the petitioner as proclaimed offender, and thereafter, registration of FIR No.349, dated 11.09.2019 under Section 174-A of IPC, would not be considered material proceeding, once main offence from which such proceedings emerged, has already been compromised between the private parties. In support of the contention, learned counsel relies upon judgment of the co-ordinate Bench of this Court rendered in **CRM-M-47657-2022**, titled as, “**Randhir Singh Tyagi vs. State of Haryana and another**”, decided on **17.10.2022**.

4. Notice of motion.

5. On asking of the Court, Mr. Vikas Bhardwaj, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondent – State. Copy of the paper book has already been supplied to him.

6. In view of the settled proposition of law, wherein, several other similar matters have already been decided by this Court, learned State counsel has no serious and authentic submissions before this Court to oppose the prayer made in present petition.

7. Heard.

8. Under these circumstances, once the proceedings under Section 138 of NI Act stands withdrawn on the basis of compromise, continuation of the instant FIR under Section 174-A of IPC is nothing but an abuse of process of law. In this regard reliance can be placed upon judgment rendered by this Court in the case of *Microqual Techno Limited and others v. State of Haryana and another-2015(32) RCR (Criminal) 790*, which has also been followed in *CRM-M-47891-2021*, titled as, “*Jitender Singh v. State of Haryana and another*”, decided on *16.11.2021*, and the order dated *05.09.2022*, passed by this Court in *CRM-M-34291-2022*, titled as, “*Pankaj*

Sharma Vs. State of Haryana and another”.

9. Accordingly, instant petition is allowed. Order dated 24.04.2019 (Annexure P-2) declaring the petitioner as proclaimed offender, and all consequential proceedings arising therefrom including FIR No.349, dated 11.09.2019, under Section 174-A of IPC, registered at Police Station Civil Line Jind (Annexure P-3), stand quashed *qua* the petitioner.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 11, 2023

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No