

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

124

CRM-M-17696-2023 (O&M)

Date of decision: 13.04.2023

JATINDER KUMAR

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. P.K.S. Phoolka, Advocate
for the petitioner.

AMAN CHAUDHARY. J.

The present petition has been filed under Section 482 Cr.P.C. for quashing the FIR No.0160 dated 06.12.2019 under Section 174-A IPC, 1860 registered at Police Station Phool, District Bathinda.

Learned counsel for the petitioner submits that in the complaint filed under Section 138 of Negotiable Instruments Act, the petitioner was declared proclaimed person vide order dated 26.11.2019, whereafter, the FIR under Section 174-A IPC was registered against the petitioner on 06.12.2019. Subsequently, there was a compromise that was effected between the parties and statement qua compromise was recorded on 20.12.2021. The complaint itself was withdrawn vide order dated 12.03.2022.

Notice of motion.

Mr. Manipal Singh Atwal, DAG Punjab appears on receipt of advance notice and has no objection to the prayer made in view of the compromise.

Heard.

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have compromised the matter and consequently, the complaint under Section 138 of the N.I. Act itself was ordered to be withdrawn

by the Court on 12.03.2022.

In similar set of facts and circumstances, while placing reliance on the judgments of this Court in **Microqual Techno R.C.R. (Criminal) 790; Rajneesh Khanna vs. State of Haryana and another**, 2017 (3) L.A.R. 555, CRM-M32612 of 2020, **Surender Singh v. State of Haryana and another** decided on 12.01.2021, the 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a proclaimed person in proceedings initiated under section 138 of NI Act which stands settled, the complaint has been withdrawn and the proceedings against the accused petitioner were dropped.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. ”

Considering the aforesaid facts and circumstances of the case and the decisions referred, 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.0160 dated 06.12.2019 under Section 174-A IPC, 1860 registered at Police Station Phool, District Bathinda, is quashed.

(AMAN CHAUDHARY)
JUDGE

April 13, 2023

M.Kamra

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>