

CRM-M-20454 of 2023

2023:PHHC:066038

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

CRM-M-20454 of 2023
Date of decision: 08.05.2023

Nitin Bhola

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Pawan Attri, Advocate,
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Ms. Pinki Mehla, Advocate,
for respondent No.2.

NAMIT KUMAR, J.

1. This petition has been filed by the petitioner under Section 482 Cr.P.C. for quashing of impugned order dated 21.05.2022 (Annexure P-1) passed by the Court of learned Judicial Magistrate Ist Class, Jagadhri, in complaint case bearing NI Act No.2367 of 2018 dated 17.12.2018 titled “Raghbir Singh v. Nitin Bhola” whereby petitioner has been declared as proclaimed person and all other subsequent proceedings arising therefrom as the main complaint stands dismissed as withdrawn.

2. Learned counsel for the petitioner submitted that main dispute between the parties has been amicably settled as the complaint filed under Section 138 of the Negotiable Instruments Act, 1881 has been withdrawn vide order dated 02.09.2022 (Annexure P-4) passed by the trial Court. He

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submitted that once the original proceedings have come to an end with the compromise between the parties, therefore, impugned order arising out of the original proceedings is also required to be set aside. To support his contention he has relied upon the judgment of this Court passed in '**Aditya Goyal vs. State of Haryana**' CRM-M-11269-2019 decided on 07.05.2019.

3. Learned counsel appearing on behalf of respondent No.2-complainant filed power of attorney and admits the factum of compromise between the parties and withdrawal of complaint by respondent No.2 and submits that she has no objection if the impugned order is set aside.

4. Learned State counsel has also not dispute the factum of compromise between petitioner and respondent No.2.

5. I have heard learned counsel for the parties and perused the record.

6. In **Aditya Goyal's** case (supra), this Court has quashed the proceedings under Section 174-A of IPC where the main proceedings have already been concluded. The relevant portion from the said judgment is as under:-

*“Learned counsel for the petitioner has relied upon the decisions rendered by this Court in **Vikas Sharma vs. Gurpreet Singh Kohli and another (supra), 2017, (3) L.A.R. 584, Microqual Techno Limited and others Vs. State of Haryana and another, 2015 (32) RCR (Crl.) 790 and Rajneesh Khanna Vs. State of Haryana and another**” 2017(3) L.A.R. 555, 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 174-A of IPC shall be nothing but an abuse of the process of law.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position.

After hearing learned counsel for the parties, I find merit in the present petition.

Since the main complaint filed by the complainant under Section 138 of the N.I. Act itself stands dismissed as withdrawn by the trial Court keeping in view the fact that petitioner has cleared the entire dues and on the direction of this Court, the petitioner has already appeared before the Investigating Officer and has also deposited the cost of `10,000/- with the Illaqa Magistrate, this Court is of the opinion that continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.

Accordingly, in view of the facts and circumstance of the case and also in view of the judgments relied upon by the petitioner, this petition is allowed and order dated 03.12.2018 (Annexure P-1), passed by the trial Court in Criminal Complaint No. 1624/2017 dated 12.09.2017, filed under Section 138 of the N. I. Act, vide which, the petitioner has been declared a proclaimed person as well as other consequential proceedings arising therefrom including FIR No. 66 dated 01.02.2019, registered under Section 174-A IPC at Police Station Jagadhri City, District Yamuna Nagar (Annexure P-2) are hereby quashed.”

7. To the same effect, another judgment passed in '**Lakhwinder Singh versus State of Punjab**' CRM-M-37155-2021 decided on 16.11.2021 also supports the present case.

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8. A perusal of order dated 02.09.2022 passed by the Judicial Magistrate Ist Class, Jagadhri makes it clear that the matter has been settled between the parties. Consequently, the present petition is allowed. Impugned order dated 21.05.2022 (Annexure P-1) and all subsequent proceedings arising therefrom, are hereby quashed.

08.05.2023
R.S.

(NAMIT KUMAR)
JUDGE

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