

In the High Court for the States of Punjab and Haryana at
Chandigarh

CRM-M-20497-2022

Date of Decision: *February 15, 2023*

Smriti

... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Manoj Pundir, Advocate,
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

None for respondent No.2.

Vivek Puri, J.

The petitioner is seeking to quash the order dated 04.10.2021 passed by the Court of learned Judicial Magistrate First Class, Hisar in Criminal Complaint NACT-1486/2020 dated 13.07.2020 titled as "Archana Soni vs. M/s Success Graphs & others", as well as, the subsequent FIR No. 575 dated 11.10.2021, under Section 174-A of the Indian Penal Code (for short 'IPC'), registered at Police Station Hisar City, District Hisar, on the basis of the compromise.

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

Learned counsel for the petitioner contends that the complaint under Sections 138/141 of the Negotiable

Instruments Act has been instituted by the respondent no.2 against the petitioner in the Court of learned Judicial Magistrate First Class, Hisar. The allegations of the respondent no.2 are to the effect that the petitioner had issued three cheques in her favour in the sum of Rs. 45,000/- each and on presentation, the same have been dishonoured by the banker of the petitioner with the remarks "Funds Insufficient". The petitioner has been summoned by the learned trial Court in terms of the order dated 13.07.2020 (Annexure P-2). During the course of the proceedings in the trial Court, the petitioner has been declared proclaimed person in terms of the order dated 04.10.2021. Besides the directions were also issued to the SHO concerned to register a case against the petitioner under Section 174-A IPC. Accordingly, the FIR bearing No. 575 dated 11.10.2021, under Section 174-A IPC has been registered at Police Station Hisar City, District Hisar against the petitioner. Subsequently, the dispute was amicably settled between the parties and the respondent no.2 had withdrawn the complaint and vide order dated 21.12.2021, the petitioner has been acquitted. It has also been contended that in pursuance of the amicable settlement, the proceedings initiated against the petitioner under Section 174-A IPC are liable to be quashed. Furthermore, the proclamation has not been issued as per the mandatory

requirements of Section 82 of the Code. It has been further submitted that another complaint bearing No. NACT-1242-2020 was also instituted by respondent no.2 against the petitioner and in the similar set of circumstances, the same has been quashed in terms of the order dated 12.05.2022 passed in CRM-M-20500-2022.

Learned State counsel has contended that the case under Section 174-A IPC has been registered in pursuance of the directions issued by this Court and the petitioner is also involved in the following two cases:-

- “1. FIR No. 256, dated 19.12.2018, under Sections 279, 337, 338 IPC, registered at Police Station Ismailabad, District Kurukshetra, under trial, fixed for 11.10.2022 for PWs in the Court of learned Judicial Magistrate First Class, Pehowa;
2. FIR No. 574, dated 11.10.2021, under Section 174-A IPC, registered at Police Station City Hisar, disposed of vide order dated 30.5.2022 by the Court of learned Additional Chief Judicial Magistrate, Hisar.”

At the very outset, it may be mentioned here that the FIR bearing No. 574, dated 11.10.2021, under Section 174-A IPC, registered at Police Station City Hisar, has been quashed in terms of the order dated 12.05.2022 passed in CRM-M-20500-2022. Moreover, the criminal liability of the petitioner in the other case registered against him under

Sections 279, 337, 338 IPC is to be adjudicated during the course of trial in that case.

On adverting to the merits of the present case, it is significant to note that the complaint has been withdrawn by the respondent no.2 and the petitioner stands acquitted. A co-ordinate bench of this Court in **CRM-M-43813-2018** titled as “**Baldev Chand Bansal vs. State of Haryana and another**”, decided on **29.01.2019** has held 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 174A of IPC shall be nothing but an abuse of the process of law.”

Moreover, in the connected matter between the same parties, another FIR registered under Section 174-A IPC has been quashed in terms of order dated 12.05.2022 passed in CRM-M-20500-2022 passed by the Co-ordinate Bench of this Court. The dispute with regard to the dishonor

of the cheques has been amicably settled between the parties and the complaint has been withdrawn. Consequently, it shall be appropriate to quash the order vide which the petitioner has been declared proclaimed person and the FIR, which has been registered under Section 174-A IPC to put a quietus to the entire matter.

Keeping in view the aforesaid facts and circumstances emerging in the instant case and in the ends of justice, the petition is allowed and the order dated 04.10.2021 passed by the Court of learned Judicial Magistrate First Class, Hisar in Criminal Complaint NACT-1486/2020 dated 13.07.2020 titled as “Archana Soni vs. M/s Success Graphs & others”, vide which petitioner has been declared as proclaimed person is set aside and FIR No. 575 dated 11.10.2021, under Section 174-A IPC, registered at Police Station Hisar City, District Hisar along with consequential proceedings is quashed.

February 15, 2023
vk

(Vivek Puri)
Judge

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