

2023:PHHC:062601

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

CRM-M-22032-2023

Date of Decision: *May 02, 2023*

Mukesh Taneja

... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sandeep Gahlawat, Advocate,
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana.

Vivek Puri, J.

1. The petitioner is seeking to quash the FIR bearing No. 1868, dated 19.09.2019, under Section 174-A of the Indian Penal Code (for short 'IPC'), registered at Police Station Shivaji Nagar, District Gurugram along with all consequential proceedings arising therefrom.

2. Notice of motion.

3. Mr. Ranvir Singh Arya, Additional Advocate General, Haryana, accepts notice on behalf of the respondent-State.

4. Learned counsel for the petitioner contends that Anuj Bishnoi had instituted a complaint under Section 138 of the Negotiable Instruments Act (for short 'the Act') against the petitioner on account of dishonor of a cheque in the sum of Rs. 2,80,000/- issued by the petitioner. The petitioner

was declared proclaimed person in terms of the order dated 19.07.2019 and consequently, the aforesaid FIR under Section 174-A IPC has been registered against him. The dispute in the complaint under Section 138 of the Act has been amicably settled between the parties and Anuj Bishnoi, complainant has withdrawn the complaint in terms of the order dated 08.10.2021 (Annexure P-2) passed by the Court of learned Judicial Magistrate First Class, Gurugram. In view of the amicable settlement between the parties, the aforesaid FIR is liable to be quashed.

4. Learned State counsel has contended that the FIR has been registered as the petitioner has been declared as proclaimed person and in pursuance of the order passed by the Court.

5. The material on record is indicative of the fact that the complaint under Section 138 of the Act was instituted against the petitioner on account of dishonor of cheque of Rs. 2,80,000/-. Significantly, the complaint has been withdrawn at a subsequent stage by the complainant vide order dated 08.10.2021.

6. 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.”

7. The dispute with regard to the dishonor of the cheque has been amicably settled between the petitioner and the complainant in the said case and the complaint has been dismissed as withdrawn. Consequently, it shall be appropriate and ends of justice will meet, if the FIR in question under Section 174-A IPC is quashed to put a quietus to the entire matter.

8. 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 FIR bearing No. 1868, dated 19.09.2019, under Section 174-A IPC, registered at Police Station Shivaji Nagar, District Gurugram

along with all consequential proceedings arising therefrom is
quashed.

May 02, 2023
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(Vivek Puri)
Judge

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