

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

**CRM-M-22849-2023
Date of Decision: 08.05.2023**

IQBAL AND OTHERS

... PETITIONERS

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Nipun Vashist, Advocate for the petitioners.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

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VIVEK PURI, J. (ORAL)

1. The petitioners are seeking to quash the FIR bearing No. 715 dated 18.03.2023, under Section 174-A of the Indian Penal Code (for short 'IPC'), registered at Police Station Shivaji Nagar, District Gurgaon.
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 petitioners contend that M/s India Infoline Housing Finance Ltd. had instituted a complaint under Section 138 of the Negotiable Instruments Act (for short 'the Act') on account of dishonor of a cheque in the sum of Rs. 1,18,459/- against the petitioners and Aman Buildhome Pvt. Ltd. The petitioners are the directors of Aman Buildhome Pvt. Ltd. In terms of the order dated 28.02.2023, Aman Buildhome Pvt. Ltd. has been declared as proclaimed person and the petitioners are the directors thereof. In pursuance of the order passed by the

learned Magistrate, the FIR under Section 174-A of IPC has been registered against the petitioners and the aforesaid Company. The dispute has been amicably settled between the parties. A draft in the sum of Rs. 1,18,000/- has been paid to the complainant and in terms of the order dated 22.03.2023, the complainant has withdrawn the complaint under Section 138 of the Negotiable Instruments Act.

5. Learned State counsel has contended that the FIR has been registered as the petitioners have been declared as proclaimed persons in pursuance of the orders passed by the Court.

6. The material on record is indicative of the fact that the complaint under Section 138 of the Act was instituted against the petitioners on account of dishonor of cheque of Rs. 1,18,000/-. Significantly, the complaint has been withdrawn at a subsequent stage in terms of the order dated 22.03.2023, Annexure P-9. The FIR under Section 174-A IPC has been registered wherein the petitioners have also been nominated as accused.

7. 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.”

8. The monetary dispute has been amicably settled between the petitioners 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.

9. 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. 715 dated 18.03.2023, under Section 174-A of the IPC, registered at Police Station Shivaji Nagar, District Gurgaon is quashed.

08.05.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No