

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

116

CRM-M-24535-2023 (O&M)

Date of decision: 15.05.2023

Ankit Kumar

....Petitioner

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present : Mr. Naveen Siwach, Advocate for the petitioner

Mr. Jagdish Manchanda, Additional AG Haryana

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**AMAN CHAUDHARY. J.**

1. The present petition has been filed under Section 482 Cr.P.C. for quashing the FIR No.504 dated 07.08.2020 under Section 174-A IPC, 1860 registered at Police Station Hisar City, District Hisar.

2. Learned counsel for the petitioner contends that a complaint under Section 138 of the Negotiable Instruments Act was filed against the petitioner wherein he was initially declared proclaimed person vide order dated 26.08.2019. Thereafter, he appeared before the learned trial Court and furnished his surety bonds and was admitted on bail vide order dated 02.03.2021, Annexure P-3. The matter thereafter was amicably settled between the complainant and the petitioner on the basis of the compromise and the complaint was withdrawn vide order dated 06.08.2022, Annexure P-4. However, pursuant to the petitioner having declared as proclaimed person, an FIR under Section 174-A IPC was registered against him on 07.08.2020. He further submits that once the matter in itself stands withdrawn

by way of compromise as also the petitioner having appeared before the learned trial Court on 02.03.2021 and was admitted on bail, the continuation of the proceedings of the FIR would be an abuse of process of the Court.

3. Learned State counsel has no objection to the prayer made in view of the compromise.

4. Heard.

5. 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have compromised the matter and consequently, the complaint under Section 138 of the N.I. Act itself was ordered to be withdrawn by the Court on 06.08.2022, Annexure P-4. The petitioner had also surrendered before the trial Court on 02.03.2021 and was enlarged on bail.

6. In similar set of facts and circumstances, while referring to the judgments of this Court in **Microqual Techno Limited and others vs. State of Haryana**, 2015(3) R.C.R.(Criminal) 790; **Rajneesh Khanna vs. State of Haryana and another**, 2017 (3) L.A.R. 555 and CRM-M-32612 of 2020, **Surender Singh vs. State of Haryana and another** decided 12.01.2021, this 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. ”

7. In view of the aforesaid facts and circumstances of the case and the

decisions referred to hereinabove, 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.504 dated 07.08.2020 under Section 174-A IPC, 1860 registered at Police Station Hisar City, District Hisar, is quashed.

(AMAN CHAUDHARY)  
JUDGE

15.05.2023  
S.Sharma(syr)

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