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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision:-22.11.2023

Ashok Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Sunil Kumar Pandey, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Ms. Priyanka Vij, Advocate for

Mr. Amit Kumar Jain, Advocate for respondent No. 2.

ALOK JAIN, J. (Oral)

1. The present petition has been filed under Section 482 Cr.P.C., seeking quashing of FIR No. 0235 dated 25.06.2018 registered under Section 174-A of Indian Penal Code, 1860 at Police Station Model Town, District Rewari (Annexure P-3) as the matter has been settled between the parties before the learned Judicial Magistrate 1st Class, Rewari, vide order dated 05.01.2021 (Annexure P-2).

2. Learned counsel for the petitioner submits that, in fact, the matter has been compromised and the dispute was with regard to a cheque *qua* which the petitioner has already made the payment. He further submits that, in fact, the petitioner was convicted on 23.01.2023, however, vide order dated 03.11.2023 passed in CRA-32-2023, the Court of Sessions Judge at Rewari has allowed the appeal and the judgment and order of

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sentence have been set aside and bail and surety bonds of the petitioner have been discharged.

3. However, FIR No. 0235 dated 25.06.2018 was lodged under Section 174-A of IPC, as during the proceedings under Section 138 of Negotiable Instruments Act, the petitioner had been initially declared as a proclaimed person but was subsequently arrested and convicted.

4. The learned counsel for the petitioner submits that this Court has consistently held that in case where an FIR under Section 174-A has been registered in view of the order passed in proceedings under Section 138 of the Negotiable Instruments Act, while declaring the petitioner therein as proclaimed offender, once the impugned judgment and order of sentence are set aside in view of an amicable settlement between the parties, the continuation of proceedings under Section 174-A of IPC would be nothing but an abuse of process of law.

5. To substantiate his arguments, learned counsel for the petitioner has relied upon the judgment passed by 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, wherein, it has been held as under:-

“Prayer in this petition is for quashing of FIR No.64 dated 15.02.2017 filed under Section 174-A of the Indian Penal Code registered at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof as well as order dated 24.10.2016 passed by the trial Court vide which a direction was issued to register the aforesaid FIR.

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Learned counsel for the petitioner has relied upon the decisions rendered by this Court in “ Vikas Sharma vs.

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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.

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In view of the same, I find merit in the present petition and accordingly, present petition is allowed and the impugned order dated 24.10.2016 passed by Judicial Magistrate, 1st Class, Panchkula as well as FIR No.64 dated 15.02.2017 registered under Section 174-A of the Indian Penal Code at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof, are hereby quashed.”

6. In support of his arguments, learned counsel for the petitioner has further relied upon the following judgments passed by the Co-ordinate Benches of this Court:-

- (i) CRM-M-53195-2022 titled as “Nirmaljit Singh Vs. State of Haryana and others” reported as 2023 (244) AIC 676
- (ii) CRM-M-59826-2022 titled as “Subhash Vs. State of Haryana and another, reported as 2023 (3) R.C.R. (Criminal) 722
- (iii) CRM-M-47657-2022 titled as “Randhir Singh Tyagi Vs. State of Haryana and another”, reported as 2022 (3) DCR 694

7. This Court has heard the learned counsel for the parties at length.

8. Keeping in view the above facts and circumstances as well as

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the authorities of law referred to hereinabove, the present petition is squarely covered and hence, allowed. Consequently, FIR No. 0235 dated 25.06.2018 registered under Section 174-A of Indian Penal Code, 1860 at Police Station Model Town, District Rewari (Annexure P-3) and all the subsequent proceedings emanating therefrom are quashed.

(ALOK JAIN)
JUDGE

November 22, 2023
Parul/Sandeep

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No