

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

CRM-M-33761 of 2021

Date of decision: 19th September, 2023

Ravinder Singh

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ajay Chauhan, Advocate for the petitioner.
Mr. S. S. Pannu, Addl. AG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. This petition under Section 482 Cr.P.C. is filed seeking quashing of FIR No. 760 dated 5.11.2016, under Section 174-A IPC and all consequential proceedings and orders dated 6.8.2018 and 8.8.2018 passed by Judicial Magistrate First Class, Yamuna Nagar at Jagadhri, District Yamuna Nagar whereby the petitioner was convicted under Section 174-A IPC and he was sentenced for simple imprisonment for six months.

2. Brief facts are that Hardeep Singh filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act') against the petitioner on account of dishonouring of cheque. The petitioner did not appear before the court concerned despite service and he was declared proclaimed person vide order dated 16.8.2016. On gaining knowledge of the complaint, the petitioner entered into a compromise and the complaint was withdrawn by the complainant.

3. Learned counsel for the petitioner submits that the trial Court erred in issuing proclamation and declaring petitioner as proclaimed person. The petitioner was neither served with summons nor warrants issued. There was non-compliance of Section 82 Cr.P.C. As soon as the petitioner came to know about the proceedings, he had put in appearance and was granted

bail. Complaint under Section 138 of the Act was withdrawn by the complainant as the matter was compromised.

4. Learned State counsel on instructions is not disputing the factum of compromise between the parties in the complaint under Section 138 of the Act.

5. 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an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174-A of IPC shall be nothing but an abuse of the process of law.

6. There is no dispute that the complaint under Section 138 of the Act was withdrawn. The petitioner had already put in appearance before the Court and was granted bail. Continuation of proceedings under Section 174-A IPC would be an abuse of process of law.

7. Considering the facts and circumstances of the case in totality , the impugned judgment, order and FIR No. 760 dated 5.11.2016, under Section 174-A IPC, registered at Police Station Jagadhri and all consequential proceedings are quashed.

8. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

19th September, 2023
mk

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No