

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

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CRM-M-32826-2023 (O&M)**Date of decision: 20.07.2023**

Sanjay Kumar @ Sanjay Saini @ Sanju Saini

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. DPS Joura, Advocate for the petitioner

Mr. Jagdish Manchanda, Additional AG Haryana

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.444 dated 19.05.2023, registered under Section 174-A IPC, 1860, at Police Station Civil Lines Sira, District Sirsa.

2. Learned counsel contends that a complaint under Section 138 of the Negotiable Instruments Act was filed against the petitioner wherein he was declared proclaimed person vide order dated 05.05.2023. During the pendency of the complaint, the cheque in question had been paid by him. Consequently, the complaint was withdrawn vide order dated 15.05.2023, Annexure P-4, after recording the statement of the complainant as noticed therein. The petitioner was declared a proclaimed person without following the procedure under Section 82 Cr.P.C. He submits that once the matter in itself stands withdrawn by way of compromise, the continuation of the proceedings of the FIR registered under Section 174-A IPC would be an abuse of process of the Court.

3. Notice of motion.

4. Mr. Jagdish Manchanda, Additional AG Haryana appears on receipt

of advance notice and has no objection to the prayer made in view of the compromise.

5. No order prejudicial to the rights of the complainant-respondent No.2 is being proposed to be passed by this Court, therefore, there is no necessity of issuing notice to him to seek a response at this stage.

6. Heard.

7. 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have compromised the matter and consequently, the complaint under Section 138 of the N.I. Act itself was ordered to be withdrawn before the trial Court vide order dated 15.05.2023, Annexure P-4, which reads thus:

“An application for taking up the case file and permission to withdraw the complaint has been moved before this court on behalf of the complainant. In view of the averments made in the application, the application is considered and allowed. It stands disposed off. It be tagged with the main case file.

Complainant has made a statement in writing in this court that accused has paid the entire cheque amount alongwith compensation to him and now he does not want to proceed with the present complaint.

In view of the statement of complainant, the present complaint stands dismissed as withdrawn. File after due completion and registration be consigned to records.”

8. In similar set of facts and circumstances, while placing reliance on the judgments of **Microqual Techno Ltd. vs. State of Haryana**, 2015 (32) RCR (Criminal) 790; **Rajneesh Khanna vs. State of Haryana and another**, 2017 (3) L.A.R. 555, CRM-M32612 of 2020, **Surender Singh v. State of Haryana and another** decided on 12.01.2021, the proceedings initiated under Section 174-A IPC, were quashed by this Court in the case of **Murli Jha vs State of Haryana** 2021(3) R.C.R.(Criminal)563, by observing therein 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.”

9. Considering the aforesaid facts and circumstances of the case and the decisions referred, 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.444 dated 19.05.2023, registered under Section 174-A IPC, 1860, at Police Station Civil Lines Sirsa, District Sirsa, is quashed.

(AMAN CHAUDHARY)
JUDGE

20.07.2023
S.Sharma(syr)

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