

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

CRM-M-37114-2022 (O&M)

Date of decision: 28.2.2023

Gurmej Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. Abhinav Kalia, Advocate, with
Mr. Manu Sachdeva, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana

KARAMJIT SINGH, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of impugned order dated 11.7.2022 (Annexure P-1) passed by the Court of Judicial Magistrate, 1st Class, Sirsa vide which the petitioner has been declared proclaimed person and FIR No.503 dated 20.7.2022 registered under Section 174-A IPC at Police Station Civil Line Sirsa, District Sirsa (Annexure P-2)

Counsel for the petitioner has submitted that respondent No.2- filed a criminal complaint against the petitioner under Section 138 of Negotiable Instruments Act on account of dishonour of cheque. It is further submitted that in the said proceedings under Section 138 of Negotiable Instruments Act, the petitioner was declared proclaimed persons vide order dated 11.7.2022 (Annexure P-1) and the Court concerned also gave directions to the local police to register FIR under Section 174A IPC against the petitioner. Consequently, the impugned FIR was registered. It is further

submitted that in the meantime, compromise was effected between the petitioner and respondent No.2 and finally, the aforesaid criminal complaint filed under Section 138 of Negotiable Instruments Act was dismissed as withdrawn vide order dated 5.9.2022 by the Court of JMIC, Sirsa. Copy of that order is taken on record. Counsel for the petitioner further submitted that once the proceedings under Section 138 of Negotiable Instruments Act have been withdrawn, then continuation of the proceedings in the impugned FIR would be an abuse of the process of Court.

Counsel for the State, on the other hand, has opposed the present petition and has submitted that no ground is made out to quash the impugned FIR which has been correctly registered at the instance of the Court concerned.

I have considered the submissions made by the counsel for the parties.

Undoubtedly, the impugned FIR is offshoot of the proceedings under Section 138 of Negotiable Instruments Act which were initiated at the instance of respondent No.2. The said proceedings under Section 138 of Negotiable Instruments Act have already attained finality as the parties entered into compromise and the criminal complaint under Section 138 of Negotiable Instruments Act was dismissed as withdrawn vide order dated 5.9.2022.

In view of the matter, since the main complaint filed under Section 138 of Negotiable Instruments Act stands withdrawn the matter being compromised between the parties, therefore, continuation of the proceedings under Section 174A IPC would be nothing but an abuse of the process of law.

In light of above, I find merit in the present petition and accordingly, the present petition is allowed and the impugned order dated 11.7.2022 (Annexure P-1) passed by JMIC, Sirsa as well as FIR No.503 dated 20.7.2022 (Annexure P-2) which was registered under Section 174-A IPC at Police Station Civil Line, Sirsa, District Sirsa and all other subsequent proceedings arising thereof are hereby quashed.

(**KARAMJIT SINGH**)
JUDGE

February 28, 2023

Paritosh Kumar

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