

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

117/2

CRM-27703-2023 IN/&
CRM-M-38945-2022 (O&M)
Date of decision: 14.07.2023

Nehru Ram

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vishal Sodhi, Advocate for the petitioner

Mr. Jagdish Manchanda, Additional AG Haryana

AMAN CHAUDHARY. J.

CRM-27703-2023

1. Learned counsel for the petitioner submits that the matter has been compromised between the parties and the main complaint itself has been withdrawn vide order dated 16.03.2023, Annexure P-8. He therefore prays for preponing the date of hearing in the main case and disposing it of accordingly.

2. Notice in the application.

3. Mr. Jagdish Manchanda, Additional AG Haryana accepts notice and has no objection to the prayer made.

4. Having heard the learned counsel for the parties and in view of the averments made in the application, the main case is preponed and is taken up on board today itself.

CRM-M-38945-2022

1. The present petition has been filed under Section 482 CrPC for quashing of order dated 26.09.2019 passed by Judicial Magistrate First Class, Dabwali declaring the petitioner as proclaimed person and order dated 14.12.2021 passed by Judicial Magistrate First Class to register the FIR and the FIR No.49 dated 26.02.2022, registered under Section 174-A IPC at Police Station Odhan, District Sirsa.

2. Learned counsel contends that both the parties have amicably settled their dispute vide compromise dated 16.03.2023 and the complainant-respondent No.2 has withdrawn the complaint under Section 138 of the NI Act vide order dated 16.03.2023, Annexure P-15 after recording his statement as noticed therein. The affidavit of the petitioner dated 16.03.2023, Annexure P-14 has also been placed on record.

3. Heard.

4. 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have compromised the matter and consequently, the complaint under Section 138 of the N.I. Act itself was ordered to be withdrawn before the trial Court vide order dated 16.03.2023, Annexure P-15, which reads thus:

“Today the case was fixed for complainant evidence.

At this stage, accused appeared and made a statement that his compromise has been effected with the complainant as Compromise Ex.C1.

On the other hand, complainant also made a statement that his compromise has been effected with the accused as per compromise Ex.C1, therefore, he does not want to continue with the present complaint and the same may be dismissed as withdrawn. Heard. In view of statement suffered by complainant, the present complaint is hereby dismissed as withdrawn. File be consigned to the record room, after due compliance.”

5. 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 vs. 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.”

6. 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 partly allowed and FIR No.49 dated 26.02.2022, registered under Section 174-A IPC, at Police Station Odhan, District Sirsa, is quashed.

(AMAN CHAUDHARY)
JUDGE

14.07.2023

S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No