

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

CRM-M-40930-2020

Date of decision: 15.02.2023

Rajinder Kumar alias Raju

...Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Gourav Jain, Advocate
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.18 dated 28.02.2020 under Section 174-A of IPC registered at Police Station City 2 Abohar, District Fazilka (Annexure P-4) and all other subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties.

On 08.12.2020, notice of motion was issued and the following contentions of the petitioner were recorded:-

“The lawyers are on strike.

Prayer in this petition is for quashing of FIR No. 18 dated 28.02.2020, registered under Section 174-A IPC at Police Station City 2 Abohar, District Fazilka along with all the subsequent proceedings arising therefrom.

A perusal of the petition shows that initially a complaint was filed against the petitioner by one Kewal Krishan under Section 138 of the N. I. Act, in which the petitioner was summoned, vide order dated 18.05.2019, however, the petitioner was declared a proclaimed person, vide order dated 30.11.2019.

It is stated in the petition that petitioner was not aware of the proceedings and later on, in compliance with aforesaid order, the present

FIR was registered against the petitioner. It is further stated in the petition that on coming to know about all the proceedings, a compromise has already been arrived at between the petitioner and said Kewal Krishan and in view of the said compromise, Kewal Krishan has already withdrawn his complaint before the JMIC, Abohar, vide order dated 02.11.2020 and now, no dispute is pending between the parties.

It is further stated in the petition that vide order dated 28.10.2020 passed in CRM-34165-2020, the petitioner has already been granted concession of anticipatory bail by this Court.

Notice of motion for 21.04.2021.

In the meantime, proceedings before the trial Court shall remain stayed.”

Learned counsel for the petitioner submits that the petitioner was not aware of the proceedings and for that reason, proceedings under Section 174-A IPC were initiated and FIR No.18 dated 28.02.2020 was registered.

He further submits that the main dispute which was under Section 138 of the Negotiable Instruments Act, out of which, proceedings under Section 174-A of IPC have been emerged, had already been compromised between the parties and the complainant withdrawn the complaint pending before the JMIC, Abohar, vide order dated 02.11.2020 and now there is no dispute pending between the parties.

He submits that once the original proceedings have come to an end with the compromise between the parties, therefore, the present proceedings under Section 174-A of IPC arising out of the original proceedings should also come to an end. To support his contention he relies upon the judgment of this Court passed in 'Aditya Goyal vs. State of Haryana' CRM-M-11269-2019 decided on 07.05.2019.

In the above said judgment, this Court has quashed the proceedings under Section 174-A of IPC where the main proceedings have

already been concluded. The relevant portion from *Aditya Goyal's case (Supra)* is as under:-

“Learned counsel for the petitioner has relied upon the decisions rendered by this Court 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.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position.

After hearing learned counsel for the parties, I find merit in the present petition.

Since the main complaint filed by the complainant under Section 138 of the N.I. Act itself stands dismissed as withdrawn by the trial Court keeping in view the fact that petitioner has cleared the entire dues and on the direction of this Court, the petitioner has already appeared before the Investigating Officer and has also deposited the cost of `10,000/- with the Illaqa Magistrate, this Court is of the opinion that continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.

Accordingly, in view of the facts and circumstance of the case and also in view of the judgments relied upon by the petitioner, this petition is allowed and order dated 03.12.2018 (Annexure P-1), passed by the trial Court in Criminal Complaint No. 1624/2017 dated 12.09.2017, filed under Section 138 of the N. I. Act, vide which, the petitioner has been declared a proclaimed person as well as other consequential proceedings arising therefrom including FIR No. 66 dated 01.02.2019, registered under Section 174-A IPC at Police Station Jagadhri City, District Yamuna Nagar (Annexure P-2) are hereby quashed.”

To the same effect, another judgment passed in *'Lakhwinder Singh versus State of Punjab'* CRM-M-37155-2021 decided on 16.11.2021 also supports the present case.

Learned State counsel has not disputed the fact that the matter has been compromised.

A perusal of order dated 02.11.2020 passed by the Ld. JMIC, Abohar makes it clear that the matter has been settled between the parties. Consequently, no fruitful purpose would be served in continuing the proceedings under Section 174-A of IPC.

Consequently, the present petition is allowed and the

impugned FIR No.18 dated 28.02.2020 under Section 174-A of IPC registered at Police Station City 2 Abohar, District Fazilka (Annexure P-4). and all subsequent proceedings arising therefrom, are hereby quashed, on the basis of compromise, *qua* the petitioner only.

15.02.2023
Parveen Kumar

(NAMIT KUMAR)
JUDGE

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