

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

116

**CRM-M-38807-2023**

**Date of Decision: 09.08.2023**

Anu Radha

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. Parminder Singh, Advocate and  
Mr. Sukhdeep Singh, Advocate, for the petitioner.

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**VIKAS SURI, J. (Oral)**

1. The instant petition, preferred under Section 482 Cr.P.C., is for quashing of order dated 15.05.2019 (Annexure P-3) passed in Complaint No.COMA-267/2017, instituted on 17.02.2017, under Section 138 and 142 of Negotiable Instruments Act, 1881 (hereinafter referred to as “Act”) vide which petitioner was declared as proclaimed person; and for quashing of FIR No.0168 dated 24.05.2019, under Section 174-A IPC, registered at Police Arya Nagar, Rohtak, District Rohtak, along with all subsequent proceedings emanating therefrom.

2. Learned counsel for the petitioner has contended that a complaint under Sections 138 and 142 of the Act was filed against the petitioner alleging dishonour of a cheque amounting to ₹7,10,214/- issued by her in favour of complainant. He submits that the petitioner did not have any knowledge about the abovesaid complaint and was never served at her

address, thus, could not appear before the trial Court. Further, it has been submitted that vide order dated 15.05.2019 (Annexure P-3), learned Judicial Magistrate Ist Class, Rohtak, declared the petitioner as proclaimed person and a direction was issued for initiation of proceedings under Section 174-A of IPC against her, pursuant to which the FIR in question was registered. Petitioner had surrendered before the trial Court and vide order dated 24.05.2019 (Annexure P-4), she was enlarged on bail and has been regularly appearing before the said Court.

3. Learned counsel for the petitioner has stated that the parties have now compromised the matter and nothing is due against the petitioner. It is further submitted that in pursuance of compromise, complainant has withdrawn the complaint and in view of the settlement/compromise, prosecution of the petitioner would be nothing but an abuse of the process of Court. He has further submitted that the complaint already stands withdrawn vide order dated 22.01.2020 (Annexure P-6). Thus, he prays that order dated 15.05.2019 (Annexure P-3) as well as FIR in question be quashed.

4. Notice of motion.

5. Mr. Gurbir S. Dhillon, AAG, Haryana, accepts notice on behalf of respondent-State and waives service. He submits that no formal reply is required to be filed. He submits that the petitioner was rightly declared as a proclaimed person/offender by the trial Court leading to registration of FIR in question.

6. Heard learned counsel for the parties.

7. It is apparent that the FIR in question was registered on account of non-appearance of the petitioner in proceedings under Section 138 of the Act, which resulted in declaration of petitioner as proclaimed person. The petitioner surrendered before the concerned Court of her own volition, on the same days of registration of FIR under Section 174-A IPC, which was within ten day of the passing of order dated 15.05.2019. Thereafter, the matter was amicably settled between the parties and complainant withdrew his complaint vide order dated 22.01.2020 (Annexure P-6). As the complaint under Section 138 of the Act already stands compromised/settled, continuation of proceedings under Section 174-A of IPC shall not serve any purpose.

8. A coordinate Bench of this Court in ***Ashok Madan vs. State of Haryana and another, 2020 (4) RCR (Criminal) 87***, has held as under:-

“No doubt, the learned counsel for the respondent has vehemently argued that the offence under Section 174A I.P.C. is independent of the main case, therefore, merely because the main case has been dismissed for want of prosecution, the present petition cannot be allowed, however, keeping in view the fact that the present FIR was registered only on account of absence from the proceedings in the main case which had been subsequently regularised by the court while granting bail to the petitioner, the default stood condoned. In such circumstances, continuation of proceedings under Section 174A I.P.C. Shall be abuse of the process of court.

Accordingly, the petition is allowed. FIR No.446 dated 21.08.2017, registered under Section 174A I.P.C. At Police Station Kotwali, District Faridabad, as well as consequential proceedings shall stand quashed.”

9. A similar view has been taken by this Court in CRM-M-5878-

2022, titled *Anil Kumar vs. Jitender Kumar and another*, decided on 06.04.2022 and in CRM-M-42551-2021, titled *Varinder Kumar @ Virender Kumar vs. State of Haryana and another*, decided on 19.04.2022.

10. Keeping in view the above and the settled law, when the matter already stands compromised, continuation of proceedings under Section 174-A of IPC shall serve no purpose. Consequently, present petition is allowed subject to payment of ₹10,000/- as costs to be deposited with the ‘Punjab and Haryana High Court Bar Association Benevolent Fund’, within a period of 10 days from today.

11. Resultantly, order dated 15.05.2019 (Annexure P-3) passed in Complaint No.COMA-267/2017, dated 17.02.2017, under Section 138 and 142 of the Act, declaring the petitioner as proclaimed person and FIR No.0168 dated 24.05.2019, under Section 174-A IPC, registered at Police Arya Nagar, Rohtak, District Rohtak along with all subsequent proceedings emanating therefrom, are hereby quashed subject to deposit of costs. A copy of the receipt, be filed with the trial Court within further period of 30 days.

12. Disposed of.

August 09, 2023  
Harish

(VIKAS SURI)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |