

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

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CRM-M-42173-2023

Date of decision: 14.09.2023

Amrit Pal Singh

....Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Priyanshu Kamra, Advocate for the petitioner.

Mr. H.S. Sullar, Sr. DAG, Punjab.

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.195, dated 03.09.2021, registered under Section 174-A IPC, at Police Station City 1 Abohar, District Fazilka and all consequential proceedings arising therefrom.

2. Learned counsel contends that the petitioner was declared proclaimed person in the complaint registered under Section 138 of NI Act, 1881 vide order dated 15.04.2021. Thereafter, the dispute with the complainant-Bank stands settled and on the basis of the statement of the learned counsel for the Bank made on 27.08.2021, Annexure P-3, the complaint was ordered to be withdrawn vide order dated 11.09.2021, Annexure P-4.

3. Notice of motion.

4. Mr. H.S. Sullar, Sr. DAG, Punjab, appears on receipt of advance notice and states that the petitioner was rightly declared proclaimed person.

5. Heard.

7. It is apposite to refer to the orders dated 27.08.2021, Annexure P-3 and 11.09.2021, Annexure P-4, passed by the trial Court, whereby the statement of the counsel of complainant was recorded and consequently, the complaint in question was ordered to be withdrawn, which read thus:

27.08.2021

“Stated that as per instructions of complainant bank, I do not want to proceed with the present complaint and the same may kindly be dismissed as withdrawn.”

11.09.2021

“File taken up today before the National Lok Adalat. In view of the statement suffered by the learned counsel for complainant on 27.08.2021, the present complaint stands dismissed as withdrawn. File be consigned to the Judicial Record Room, Abohar after due compliance.”

8. In **Baldev Chand Bansal vs. State of Haryana and another**, CRM-M-43813-2018, decided on 29.01.2019, this Court quashed the FIR registered under Section 174-A IPC in pursuance of the settlement arrived at between the parties, and held thus:

“Prayer in this petition is for quashing of FIR No.64 dated 15.02.2017 filed under Section 174-A of the Indian Penal Code registered at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof as well as order dated 24.10.2016 passed by the trial Court vide which a direction was issued to register the aforesaid FIR.

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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 (CrI.) 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 174A of IPC shall be nothing but an abuse of the process of law.

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In view of the same, I find merit in the present petition and accordingly, present petition is allowed and the impugned order dated 24.10.2016 passed by Judicial Magistrate, 1st Class, Panchkula as well as FIR No.64 dated 15.02.2017 registered under Section 174-A of the Indian Penal Code at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof, are hereby quashed.”

9. 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.”

10. It is manifest from the afore-referred judgments, that where the main case itself was got dismissed as withdrawn, continuation of proceedings under Section 174-A IPC were held to be abuse of process. Similarly, in the present case,

the petitioner was declared a proclaimed person, pursuant to which the impugned FIR was registered, and the main complaint itself stands withdrawn.

11. In **Jugesh Sehgal vs. Shamsher Singh Gogi**, (2009) 14 SCC 683, Hon’ble The Supreme Court, with respect to the powers under Section 482 CrPC held that the same need to be exercised, where the Court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of the process of the court.

12. In view of the afore discussion, this Court finds no justifiable reason to continue with the proceedings in the FIR in question. Accordingly, the present petition is allowed. FIR No.195, dated 03.09.2021, registered under Section 174-A IPC, at Police Station City 1 Abohar, District Fazilka, is hereby quashed.

(AMAN CHAUDHARY)
JUDGE

14.09.2023
Ankur

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