

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

268/2

CRM-M-50957-2022 (O&M)
Date of decision: 13.03.2023

RAJ KUMAR DHINGRA

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. S.P. Arora, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG Haryana.

Mr. Lalit Kumar Narang, Advocate
for the complainant.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 482 CrPC for quashing of FIR No.0403 dated 08.09.2022 under Section 174-A IPC registered at police station Meham, District Rohtak.

Learned counsel for the petitioner contends that a complaint under Section 138 of the Negotiable Instruments Act was filed against the petitioner wherein he was initially declared proclaimed person vide order dated 11.07.2022 (Annexure P-2). Pursuant to the petitioner having declared as proclaimed person, FIR under Section 174-A was registered against him on 08.09.2022.

Learned counsel for the petitioner submits that in terms of the settlement arrived at before the Mediation and Conciliation Centre of this Court on 01.03.2023, the complaint itself stands withdrawn on 02.02.2023. He further

submits that once the matter in itself stands withdrawn by way of compromise, the continuation of the proceedings of the FIR would be an abuse of process of the Court.

Learned State counsel has no objection to the prayer made in view of the compromise.

Heard.

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have compromised the matter and consequently, the complaint under Section 138 of the N.I. Act itself was ordered to be withdrawn by the Court on 02.02.2023.

In similar set of facts and circumstances, while referring to the judgments of this Court in **Microqual Techno Limited and others vs State of Haryana** 2015 (3) R.C.R. (Criminal) 790; **Rajneesh Khanna v. State of Haryana and another**, 2017 (3) L.A.R. 555 and CRM-M32612 of 2020, **Surender Singh v. State of Haryana** and another decided 12.01.2021, this Court in the case of “**Murli Jha vs State of Haryana**”, 2021(3) R.C.R.(Criminal)563”, quashed the proceedings initiated under Section 174-A IPC by observing 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a proclaimed person in proceedings initiated under section 138 of NI Act which stands settled, the complaint has been withdrawn and the proceedings against the accused petitioner were dropped.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.”

In view of the aforesaid facts and circumstances of the case and the decisions referred to hereinabove, 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 allowed and FIR No.0403

dated 08.09.2022 under Section 174-A IPC registered at police station Meham,
District Rohtak, is quashed.

(AMAN CHAUDHARY)
JUDGE

March 13, 2023

S.Sharma(syr)

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