

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-51431-2022
Date of decision: 05.07.2023

Four Fresh Retail Pvt. Ltd.and others
....Petitioners

Versus

State of Haryana and another
...Respondents

CRM-M-51525-2022

Four Fresh Retail Pvt. Ltd. and others
....Petitioners

Versus

State of Haryana and another
...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Abhimanyu Batra, Advocate for the petitioners.

Mr. Dhruv Sihag, AAG, Haryana,

Mr. K.S.Dhanora, Advocate, for respondent no.2.

AMAN CHAUDHARY. J.

1. The present petitions under Section 482 Cr.P.C. have been filed for quashing of FIR Nos.464 and 463, dated 09.07.2022, registered Section 174-A of IPC, at Police Station Ladwa, District Kurukshetra and all consequential proceedings arising thereof.

2. Learned counsel submits that the petitioners in both the cases were declared proclaimed person by the trial Court on 05.07.2022 (Annexure P-3). Consequent thereupon FIRs under Section 174-A Cr.P.C. were registered against

them. During the pendency of the proceedings both the matters have been compromised as the entire cheque amount of Rs.3,80,000/- and Rs.1,70,000/- respectively which were the subject matters in both the complaints under the provisions of Negotiable Instruments Act, were paid and sequentially, both the complaints were ordered to be dismissed as withdrawn vide orders dated 11.10.2022 (Annexure P-4) and 26.09.2022 (Annexure P-5) respectively. The continuation of the proceedings in both the FIRs would be the abuse of process of law. Reliance is placed upon judgments of the co-ordinate Bench of this High Court in **Harmeet Kaur alias Harmit Kaur vs. State of Punjab and another** CRM-M-6672-2022, decided on 03.03.2022 and **Sher Singh Rana vs. State of Haryana and others**, 2023 (1) RCR (Criminal) 185.

3. Learned State counsel as also the learned counsel appearing on behalf of respondent Nos.2 and 3 affirm the factum of compromise.

4. Heard.

5. Admittedly, the parties have compromised the matter and consequently, the complaints under Section 138 of the N.I. Act itself were ordered to be withdrawn by the Court.

6. In similar set of facts and circumstances, while placing reliance on the judgments in **Microqual Techno vs. State of Haryana and another** (2014) R.C.R. (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, 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. ”

7. Considering the aforesaid facts and circumstances of the case and the decisions referred, this Court finds that the continuation of proceedings against the petitioners pursuant to FIRs in question, would be an abuse of process of law. Accordingly, both the petitions are allowed and FIR Nos.464 and 463, dated 09.07.2022, registered Section 174-A of IPC, at Police Station Ladwa, District Kurukshetra, are quashed.

A photocopy of this order be placed on the file of the connected case.

(AMAN CHAUDHARY)
JUDGE

July 05, 2023
dharamvir

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