

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

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CRM-M-50905-2023**Date of decision: 09.10.2023**

Amit Sharma

....Petitioner

Versus

State of Haryana and another

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. G. S. Goraya, Advocate for the petitioner

AMAN CHAUDHARY. J.

1. The present petition has been filed for quashing of FIR No.185 dated 01.04.2022, registered under Section 174-A IPC, at Police Station Narnaund, District Hansi Hisar and all other consequential proceedings on the basis of compromise dated 10.06.2023 in complaint No.NACT-541-2018.

2. Learned counsel contends that the petitioner was declared proclaimed person by the trial Court on 08.03.2022 and the impugned FIR was got registered under Section 174-A, wherein he was arrested on 09.06.2023 and enlarged on regular bail on 10.06.2023. The matter has, thereafter, been settled between the parties vide compromise dated 10.06.2023, Annexure P-2. The complainant has made a statement before the Pre Lok Adalat, Hansi on 21.08.2023, based on which, the complaint itself stands withdrawn vide order of the said date, Annexure P-3. The absence of the petitioner was neither wilful nor deliberate, however he was arrested and released on bail and the

complaint itself was dismissed as withdrawn, on the basis of compromise between the parties, thus, the continuation of the present proceedings would amount to abuse of process of Court.

3. Mr. Jagdish Manchanda, Additional AG Haryana, appears on receipt of advance notice and has no objection to the prayer made in the present petition.

4. There is no necessity of issuing notice to call upon for any response from respondent No.2, in view of the order dated 21.08.2023, whereby the complaint stands withdrawn by him.

5. Heard.

6. At the outset, a reference is required to be made to the compromise dated 10.06.2023, Annexure P-2, entered into between the parties, which reads thus:

“I Ramphal Lohan s/o Shri Hari Singh R/o Bhaini Amirpur, Tehsil Narnaund, District Hisar.

Stated that a case title Ramphal Lohan v/s Amit Sharma U/s 138 NI Act is pending before the court of Shri Rakesh Kumar JMJC. In above mentioned case accused was declared PO on dated 21.04.2022. in that case dispute is regarding cheque amounting Rs 3,00,000/- (Three Lacs) Now I have received the cheque amount of Rs 3,00,000/- (Three Lacs) from the accused. Now I don't want to proceed against the accused in the above mentioned case. I have received the full and final payment in this case. Nothing is pending and I will deposed regarding this compromise before the court and will give my statement in the state case before the Hon'ble High Court and Lower Court for quashing. I will withdraw each civil and criminal case regarding this cheque against Amit Sharma.”

7. It is apposite to refer to the order dated 21.08.2023, Annexure P-3, passed by the Pre Lok Adalat, whereby the complaint in question itself was dismissed as withdrawn, which reads thus:

“Original file received. Let, it be restored as its original number. At this stage, complainant Ramphal appeared and suffered a statement to the effect that the accused has paid the cheque amount to him, hence, he does not want to proceed the present complaint further and withdraws the same. Heard. In view of the above statement, present complaint is hereby dismissed as withdrawn. File be consigned to Record Room 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 (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 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. In the present case, the petitioner was declared a proclaimed person on 08.03.2022, whereafter the impugned FIR was registered on 01.04.2022, however, the matter was compromised on 10.06.2023, pursuant to which the main complaint itself stood withdrawn, hence this Court finds no justifiable reason to continue with the proceedings in the FIR in question, which being an abuse of the process of the court, are liable to be quashed in

exercise of power under Section 482 CrPC, as held in **Jugesh Sehgal vs. Shamsher Singh Gogi**, (2009) 14 SCC 683.

11. Accordingly, the present petition is allowed. The FIR No.185 dated 01.04.2022, registered under Section 174-A IPC, at Police Station Narnaund, District Hansi Hisar alongwith subsequent consequential proceedings, is hereby quashed.

09.10.2023
Mehak

(AMAN CHAUDHARY)
JUDGE

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