

125 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56140-2023
Date of decision: 07.11.2023

Ashwani ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Akun Sheemar, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

HARPREET SINGH BRAR, J.

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of consequential proceedings of FIR No.1387 dated 17.09.2023 (Annexure P-3) under Section 174-A of IPC registered at Police Station Panipat City, District Panipat, Haryana arising out of complaint case bearing No. NACT/2696/2019 dated 30.11.2019 under Section 138 of the Negotiable Instruments Act, 1881 titled as '*Vinod Kumar Vs. Ashwani.*'

Learned counsel for the petitioner submits that respondent No.2 filed a complaint bearing No.NACT/2696/2019 dated 30.11.2019 under Section 138 of the Negotiable Instruments Act in which proclamation proceedings were initiated against the petitioner and he was declared proclaimed person vide order dated 12.09.2023 and also proceedings under Section 174-A IPC were initiated in FIR No.1387 dated 17.09.2023.

He further submits that the main dispute between parties was under Section

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138 of the Negotiable Instruments Act, out of which, proceedings under Section 174-A of IPC have emerged, had already been concluded vide order dated 29.09.2023 passed by the learned Judicial Magistrate 1st Class, Panipat as the matter had been compromised between the parties, in proof of which, affidavit of the complainant/respondent No.2 is annexed with the present petition as Annexure P-1.

The FIR dated 17.09.2023 was registered in pursuance of order dated 12.09.2023 passed by the learned JMFC, Panipat whereas, the complaint under Section 138 of the Negotiable Instruments Act was dismissed as withdrawn being compromised on 29.09.2023 on the basis of the statement suffered by respondent No.2/complainant.

The question which arises for consideration of this Court is whether on account of withdrawal of the complaint under Section 138 of the Negotiable Instruments Act on the basis of compromise, the proceedings of FIR No.1387 dated 17.09.2023 (Annexure P-3) under Section 174-A of IPC deserve to be quashed?

The stand of learned counsel representing the petitioner is that the petitioner has duly paid the amount involved in the cheque in question and both the parties have settled the matter amicably which has resulted in withdrawal of the complaint under Section 138 of the Negotiable Instruments Act. In the factual backdrop of this case, undisputedly, once the substantive offence already stands settled between the petitioner and respondent No.2, the proceedings under Section 174-A of IPC would be of no consequence.

Reliance in this regard has been placed upon the various pronouncements on the issue involved in the present case. In **CRM-M-43813-**

2018, Baldev Chand Bansal vs. State of Haryana and another, decided on 29.01.2019, Vikas Sharma vs. Gurpreet Singh Kohli and another, 2017, (3) L.A.R. 584, Microqual Techno Limited and others Vs. State of Haryana and another, 2015 (32) RCR (Cr.) 790 and Rajneesh Khanna Vs. State of Haryana and another, 2017(3) L.A.R. 555 wherein, in identical circumstances, the Coordinate Benches of this Court have held that since the main petition filed under Section 138 of the Negotiable Instruments Act stands withdrawn in view of an amicable settlement between the parties, therefore, the proceedings under Section 174-A of IPC would not sustain either.

A Coordinate Bench of this Court in **Vikas Gupta vs. State of Haryana and others**, while quashing the FIR under Section 174-A of the IPC in **CRM-M-19636-2018** decided on 01.08.2018 has observed the following:-

“The ultimate aim, objective and goal of a legal system is to reconcile the social conflicts. Law is required only to ensure that people do not have to fight with each other just to protect their right to property, right to life and liberty and other rights secured to them by the legal system. The civil disputes are the conflicts between two parties, having lesser overtones for the social order, social harmony or the society as such. Hence absolute freedom is given to the parties to settle their disputes by compromises, of course, coming with certain legal consequences as well. However, the criminal disputes do not necessarily restrict themselves to only two parties to the dispute in terms of their scope, consequences and effect. The criminal acts tend to cast their effect and consequences even upon the society at large. Therefore, the law prescribes punishment, severe punishments and the extreme punishments, including

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death penalty for criminal acts.”

Learned counsel representing the State has not been able to controvert the aforesaid facts and the position of law as laid down in the aforesaid judgment.

This Court, while examining the facts and circumstances of the present case, is *ad idem* with the view taken by the Coordinate Benches of this Court that once the substantive offence has been settled through compromise between the petitioner and respondent No.2, the proceedings of FIR No.1387 dated 17.09.2023 (Annexure P-3) under Section 174-A of IPC would not sustain either.

Accordingly the present petition is allowed. The proceedings of FIR No.1387 dated 17.09.2023 (Annexure P-3) under Section 174-A of IPC along with all consequential proceedings arising therefrom, are hereby quashed.

(HARPREET SINGH BRAR)
JUDGE

07.11.2023

Neha

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