



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-412-2024
DECIDED ON: 18.09.2024

PARDEEP KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Tarun Singla, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. This is a petition under Section 482 of Cr.P.C., for quashing of FIR No.98, dated 16.11.2021, under Section 174-A IPC, registered at Police Station Phool, District Bathinda and all subsequent proceedings conducted therein in view of the fact that the main complaint bearing COMA No.365 of 2018, dated 11.09.2018, under Section 138 of NI Act stands dismissed as withdrawn vide order dated 09.09.2023 (Annexure P-9) as the matter was compromised.

2. Learned counsel for the petitioner submits that the present FIR came to be registered in pursuance to the complaint bearing COMA No. 365 of 2018 dated 11.09.2018, under Section 138 of NI Act filed against the petitioner and due to his non appearance before the trial court, the petitioner was declared proclaimed person vide order dated 13.10.2021 (Annexure P-5).

3. Learned counsel for the petitioner submits that the main complaint bearing COMA No.365 of 2018 dated 11.09.2018, under Section 138 of NI Act in pursuant to which FIR No.98, dated 16.11.2021 stands dismissed as withdrawn vide order dated 09.09.2023 (Annexure P-9) in view of the compromise effected between the parties vide order dated 01.09.2023 (Annexure P-8).

4. In view of the submissions made by learned counsel for the petitioner, continuation of proceedings under Section 174-A of IPC would be an abuse of process of law. Also, this principle has been laid down in several dictums of this Court and reliance can be placed upon **CRM-M. no.19639 of 2018** whereby the coordinate bench of this court has observed that once the main FIR has already been compromised between the parties and is not going to proceed further, therefore, it would not be justified to make the petitioner face the trial for an offence under section 174-A of IPC.

5. Another Co-ordinate Bench of this Court in a case titled as ***“Ashok Madan vs. State of Haryana and another” reported as 2020 (4) RCR (Criminal) 87*** has also held as under:-

“No doubt, the learned counsel for the respondent has vehemently argued that the offence under Section 174A I.P.C. is independent of the main case, therefore, merely because the main case has been dismissed for want of prosecution, the present petition cannot be allowed, however, keeping in view the fact that the present FIR was registered only on account of absence from the proceedings in the main case which had been subsequently regularised by the court while granting bail to the petitioner, the default stood condoned. In such circumstances, continuation of proceedings under Section 174-A I.P.C. Shall be abuse of the process of court.

Accordingly, the petition is allowed. FIR No.446 dated 21.08.2017, registered under Section 174-A I.P.C. At Police Station Kotwali, District Faridabad, as well as consequential proceedings shall stand quashed.”

6. A perusal of the relevant extract of the above judgment would show that where the main case was dismissed for want of prosecution, it was observed that the continuation of proceedings under Section 174-A of the IPC shall be an abuse of the process of court.
7. Since the main complaint stands withdrawn, no useful purpose would be served by continuing the proceedings under section 174-A of IPC as the same is personal in nature not against the society at large, who have resolved their dispute.
8. Keeping in view the above-said facts and circumstances, the present petition is allowed and FIR No.98, dated 16.11.2021, under Section 174-A IPC, registered at Police Station Phool, District Bathinda with all subsequent proceedings arising therefrom, is hereby quashed qua the petitioner.
9. Accordingly, the present petition stands disposed of.

18.09.2024

Poonam negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No