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

**CRM-M-1880 of 2024  
Date of Decision: 01.02.2024**

**INDER RAJ****... Petitioner**

**Versus**

**STATE OF HARYANA AND ANOTHER****... Respondents****CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.**

Present:- Mr. R.S.Mamli, Advocate and  
Ms. Lipika, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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**SANJIV BERRY, J. (ORAL)**

The instant petition has been preferred by the petitioner under Section 482 of the Code of Criminal Procedure for seeking quashing of the order dated 04.06.2018 passed in Criminal Complaint No. NIA/498/2015 (Annexure P-1) and FIR No.949 dated 14.08.2018 (Annexure P-3) registered under Section 174-A at Police Station Jagadhri City District Yamuna Nagar.

2. In *nutshell*, the brief facts of the case are that complainant Deepak filed a criminal Complaint No. NIA/498/2015 titled as “*Deepak Ahluwalia Vs. Inder Raj*” under Section 138 of the Negotiable Instrument Act read with Section 420 IPC and during the pendency of the complaint a compromise has been effected between the parties and entire amount has been paid to the complainant and it was told by the complainant that the case

will be withdrawn, but due to lack of communication the petitioner was declared proclaimed person vide order dated 04.06.2018 (Annexure P-1) and case under Section 174-A IPC was registered and FIR No.949 dated 14.08.2018, at Police Station Yamuna Nagar City, District Yamuna Nagar (Annexure P-3) was lodged against the present petitioner.

3. It is, *inter alia* contended by learned counsel for the petitioner that a compromise has been effected between the parties and matter was referred to Daily Lok Adalat, where the complainant had made the statement that no due remains against the petitioner and he does not want to pursue the case and vide order dated 25.10.2023 (Annexure P-2) the complaint was withdrawn. He submits that since the complaint in question has been withdrawn vide order dated 25.10.2023 (Annexure P-2) the impugned order stands culminated and continuation of the instant FIR on the basis of impugned order would be the abuse of process of law. He has referred to the judgments cited as *Harbans Singh vs. State of Haryana, and another, CRM-M-56596 of 2022, AIR Online 2022 (P and H) 1035; Aditya Goyal vs. State of Haryana, CRM-M-11269 of 2019: AIR Online 2019 (P and H) 2070; Lakhwinder Singh vs. State of Punjab, CRM-M- 37155-2021; CRM-M-16528 of 2023, Harnek Singh Vs. State of Haryana; CRM-M-52319-2021, Sharvan Kumar Singh @ Sarvan Singh vs. State of Haryana; CRM-M-4344 of 2017, Anil Kumar vs. State of Punjab and another;* to argue that since the main complaint filed under Section 138 of the Negotiable Instrument Act has been withdrawn by the complainant on the basis of amicable settlement, therefore, the present proceedings arising out of the FIR No. 949 dated 14.08.2018 (Annexure P-3) under Section 174-A

IPC be quashed and consequential proceedings arising therefrom be also set aside.

4. The learned State counsel has admitted the factum of compromise and withdrawal of complaint under Section 138 of the Negotiable Instrument Act, against the petitioner vide order dated 25.10.2023 (Annexure P-2).

5. Mr. Lovepreet Singh, Advocate has put in appearance on behalf of the complainant and filed Vakalatnama, the same is taken on record. He contends that a compromise has been effected between the parties and the complaint in question has been withdrawn vide order dated 25.10.2023 (Annexure P-2) and he has no objection, if, the petition is allowed.

6. I have heard the respective submission made by the learned counsel for the parties.

7. After considering the rival contentions and perusing the record, it is not disputed that a complaint was filed under Section 138 of the Negotiable Instrument Act against the petitioner and the present petitioner was declared proclaimed person vide order dated 04.06.2018(Annexure P-1) in the said complaint and on the basis thereof, the impugned FIR No.949 dated 14.08.2018 (Annexure P-3) was registered against him. It is not disputed that the aforesaid complaint has since been withdrawn by the complainant vide order dated 25.10.2023 (Annexure P-2) on the basis of amicable settlement between the parties. It has been held in the judgments referred above that when the main complaint in which the petitioner has been declared proclaimed person is withdrawn on the basis of amicable settlement then continuation with the proceedings under Section 174-A IPC

would be nothing but the abuse of the process of law.

8. Therefore, considering the facts and circumstances of the present case, without going into the controversy as to whether the petitioner was aware of the proceedings going against him under the Negotiable Instrument Act or not; the registration of the present FIR on the basis of above said order declaring the petitioner as proclaimed person would not serve any purpose and keeping the said FIR and consequent proceedings alive after the withdrawal of the complaint would not serve any purpose but would be abuse of process of law.

9. Consequently, keeping in view the above said facts and circumstances, the present petition is allowed, impugned order dated 04.06.2018 (Annexure P-1) passed in Criminal Complaint No. NIA/498/2015 declaring the petitioner as proclaimed person and FIR No.949 dated 14.08.2018 (Annexure P-3) registered under Section 174-A at Police Station Jagadhri City, District Yamuna Nagar and all consequential proceedings arising therefrom are hereby set aside.

10. Petition stands allowed.

(SANJIV BERRY)  
JUDGE

01.02.2024

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|------|-----|----------------------------|-----|
| Gyan | i)  | Whether speaking/reasoned? | Yes |
|      | ii) | Whether reportable?        | Yes |