

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4791-2024 (O&M)
Date of decision: 31.1.2024

Deepak Arora
...Petitioner
Versus
State of Haryana and another
...Respondents

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Ms. Jasleen Kaur, Advocate, for
Mr. Sachit Punia, Advocate,
for the petitioner.

Mr. Vijesh Sharma, Addl. AG, Haryana.

Ms. Anu Malika, Advocate,
for respondent No.2.

KARAMJIT SINGH, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of impugned order dated 4.11.2022 (Annexure P-3) passed by the Court of Judicial Magistrate, 1st Class, Hisar vide which the petitioner has been declared proclaimed person and FIR No.0058 dated 2.3.2023 registered under Section 174-A IPC at Police Station Uklana, District Hisar (Annexure P-1).

2. Counsel for the petitioner has submitted that respondent No.2- Naresh Kumar filed a criminal complaint against the petitioner under Section 138 of Negotiable Instruments Act on account of dishonour of cheque. It is further submitted that in the said proceedings under Section 138 of Negotiable Instruments Act, the petitioner was declared proclaimed persons vide order dated 4.11.2022 (Annexure P-3) and the Court concerned

also gave directions to the local police to register FIR under Section 174A

IPC against the petitioner. Consequently, the impugned FIR was registered. Subsequently complainant-Naresh Kumar died and his son Yatin Allawadhi was allowed to proceed with the complaint as is evident from order dated 17.05.2023 passed by the trial Court. It is further submitted that in the meantime, compromise was effected between the petitioner and son of respondent No.2 and the aforesaid criminal complaint filed under Section 138 of Negotiable Instruments Act was dismissed as withdrawn vide order dated 17.5.2023 by the Court of JMIC, Hisar (Annexure P-4). Counsel for the petitioner further submitted that once the proceedings under Section 138 of Negotiable Instruments Act have been withdrawn, then continuation of the proceedings in the impugned FIR would be an abuse of the process of Court.

3. Counsel appearing on behalf of son of the original complainant, has admitted the factum of compromise and is having no objection if the present petition is allowed.

4. Counsel for the State, on the other hand, has opposed the present petition and has submitted that no ground is made out to quash the impugned FIR which has been correctly registered at the instance of the Court concerned.

5. I have considered the submissions made by the counsel for the parties.

6. Undoubtedly, the impugned FIR is offshoot of the proceedings under Section 138 of Negotiable Instruments Act which were initiated at the instance of respondent No.2. The said proceedings under Section 138 of Negotiable Instruments Act have already attained finality as the parties entered into compromise and the criminal complaint under Section 138 of

Negotiable Instruments Act was dismissed as withdrawn vide order dated 17.5.2023.

7. In view of the matter, since the main complaint filed under Section 138 of Negotiable Instruments Act stands withdrawn the matter being compromised between the parties, therefore, continuation of the proceedings under Section 174A IPC would be nothing but an abuse of the process of law.

8. In light of above, I find merit in the present petition and accordingly, the present petition is allowed and the impugned order dated 4.11.2022 (Annexure P-3) passed by JMIC, Hisar as well as FIR No.0058 dated 2.3.2023 (Annexure P-1) which was registered under Section 174-A IPC at Police Station Uklana, District Hisar and all other subsequent proceedings arising thereof are hereby quashed.

(KARAMJIT SINGH)
JUDGE

January 31, 2024
Paritosh Kumar

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No