

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-5370 of 2024
Date of Decision: February 02, 2024

Aneesh Anil Taneja

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present:- Mr. Rishab Garg, Advocate
for the petitioner

Harpreet Singh Brar, J. (Oral)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of impugned order dated 19.01.2019 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Gurugram whereby in case NACT-14663-2016 dated 25.11.2016, whereby the petitioner has been declared as proclaimed person and to quash the FIR No. 1188 dated 27.06.2019 registered under Section 174-A of IPC at Police Station Shivaji Nagar, District Gurugram and all subsequent proceedings arising therefrom.
2. Brief facts of the case are that respondent No. 2 filed a complaint under Section 25 of Payment and Settlement System Act, 2007 (for short 'the Act) against the petitioner with the allegations that accused/petitioner was issued an intimation being Transaction ID No. 1241685701 dated 17.09.2016 of Rs. 1098822/- for the payment to the complainant in discharge of the liability. The said ECS on presentation to the banker of the accused was received back with the remarks of "Insufficient Funds". Resultantly, the petitioner was summoned

for facing trial for offence punishable under Section 25 of the Act vide order dated 09.02.2017. During the pendency of the aforesaid proceedings, proclamation proceedings were initiated against the petitioner as the petitioner was not aware of the pendency of Section 25 of the Act proceedings as he is resident of State of Maharashtra and accordingly the petitioner was declared as proclaimed person vide order dated 19.01.2019. Vide impugned order dated 19.01.2019, directions were issued to the concerned Police Station for initiation of proceedings under Section 174-A of Indian Penal Code, 1860 and consequently the impugned F.I.R. dated 27.06.2019 was registered against the petitioner. During the pendency of the aforesaid proceedings, the controversy was settled inter-se between the parties and the entire amount as alleged by the complainant was paid back by the petitioner and consequently the complaint under Section 25 of Payments and Settlement Act was withdrawn by respondent No.2/complainant and the complaint was dismissed as withdrawn vide order dated 12.03.2022.

3. Learned counsel appearing for the petitioner submits that the non-appearance of the petitioner was not deliberate and intentional and thus, aggrieved by the said order, he has approached this Court by way of instant petition. It is contended that the impugned order is liable to be set aside on the ground of unintentional non-appearance of the petitioner.

4. Notice of motion to the official respondent only.

5. Mr. Vikas Bhardwaj, AAG, Haryana who is present in Court, accepts notice on behalf of respondent No.1-State has not been able to controvert the aforesaid facts.

6. The question which arises for consideration of this Court is whether on account of withdrawal of the complaint under Section 25 of the Act, the proceedings of FIR No. 1188 dated 27.06.2019 under Section 174-A of IPC deserve to be quashed?

7. The stand of learned counsel representing the petitioner is that the complainant has withdrawn the complaint under Section 25 of the 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.

8. 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 (Crl.) 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 stood withdrawn in view of an amicable settlement between the parties, therefore, the proceedings under Section 174-A of IPC would not sustain either.

9. 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 death penalty for criminal acts.”

10. 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 between the petitioner and respondent No.2, the proceedings of FIR No. 1188 dated 27.06.2019 under Section 174-A of IPC would not sustain either.

11. Accordingly the present petition is allowed. The impugned order dated 19.01.2019 (Annexure P-2) and FIR No. 1188 dated 27.06.2019 under Section 174-A of IPC registered at Police Station Shivaji Nagar, District Gurugram (Annexure P-3) and all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

February 02, 2024

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