

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(141)

CRM-M-5766-2024

Date of Decision:-05.02.2024

Vikash Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Sourabh Sheoran, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present petition is for quashing of the FIR No. 739 dated 18.10.2023 under Section 174-A of IPC, registered at Police Station City Narnaul, District Mahendergarh (Annexure P-1) and for quashing the order dated 30.09.2023 (Annexure P-2), whereby, the petitioner has been declared proclaimed person in Complaint bearing CIS No.NACT-220-2022, instituted on 07.03.2022 along with the subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner submits that, in fact, the main complaint under Section 138 of Negotiable Instruments Act filed against the petitioner was compromised and the order *qua* the same was passed on 30.11.2023 (Annexure P-3). However, due to oversight and inadvertence, the order dated 30.09.2023 (Annexure P-2), whereby, the petitioner had been declared a proclaimed person was not set aside which led to the filing of the above said FIR.

3. Notice of motion.

4. Mr. Tanuj Sharma, accepts notice on behalf of respondent No.1-State.

5. The learned counsel for the petitioner submits that this Court has consistently held that in case where an FIR under Section 174-A has been registered in view of the order passed in proceedings under Section 138 of the Negotiable Instruments Act, while declaring the petitioner therein as proclaimed offender, once the main complaint under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, the continuation of proceedings under Section 174-A of IPC would be nothing but an abuse of process of law.

6. To substantiate his arguments, learned counsel for the petitioner has relied upon the judgment passed by a Co-ordinate Bench of this Court in ***CRM-M-43813-2018*** titled as ***"Baldev Chand Bansal Vs. State of Haryana and another"*** decided on 29.01.2019, wherein, it has been held as under:-

"Prayer in this petition is for quashing of FIR No.64 dated 15.02.2017 filed under Section 174-A of the Indian Penal Code registered at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof as well as order dated 24.10.2016 passed by the trial Court vide which a direction was issued to register the aforesaid FIR.

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Learned counsel for the petitioner has relied upon the decisions rendered by this Court in "Vikas Sharma vs. Gurpreet Singh Kohli and another (supra), 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 an identical circumstance, this Court has held that since the main petition filed

under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the process of law.

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In view of the same, I find merit in the present petition and accordingly, present petition is allowed and the impugned order dated 24.10.2016 passed by Judicial Magistrate, 1st Class, Panchkula as well as FIR No.64 dated 15.02.2017 registered under Section 174-A of the Indian Penal Code at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof, are hereby quashed.”

7. In support of his arguments, learned counsel for the petitioner has further relied upon the following judgments passed by the Co-ordinate Benches of this Court:-

- (i) *CRM-M-53195-2022 titled as “Nirmaljit Singh Vs. State of Haryana and others” reported as 2023 (244) AIC 676*
- (ii) *CRM-M-59826-2022 titled as “Subhash Vs. State of Haryana and another, reported as 2023 (3) R.C.R. (Criminal) 722*
- (iii) *CRM-M-47657-2022 titled as “Randhir Singh Tyagi Vs. State of Haryana and another”, reported as 2022 (3) DCR 694*

8. This Court has heard the learned counsel for the parties at length.

9. Keeping in view the above facts and circumstances as well as the authorities of law referred to hereinabove, the present petition is squarely covered and hence, allowed. Consequently, FIR No. 739 dated 18.10.2023 registered under Section 174-A of Indian Penal Code, 1860 at Police Station City Narnaul, District Mahendergarh (Annexure P-1) and all the subsequent proceedings emanating therefrom are quashed.

(ALOK JAIN)
JUDGE

05.02.2024

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