

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

**CRM-M-8685-2024
DECIDED ON: 19.02.2024**

Sanjeev Parashar

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: None

SANDEEP MOUDGIL, J (ORAL)

1. The Punjab & Haryana High Court Bar Association has decided to abstain from work today i.e. 19.02.2024.
2. This is a petition under Section 482 of Cr.P.C., for quashing the FIR No.0076 dated 09.12.2018, registered at Police Station B.P.T.P., District Faridabad under Section 174-A of IPC (Annexure P-1) alongwith all consequential proceedings arising therefrom.
3. Brief facts of the case unfolds as the present FIR came to be registered in pursuance of the criminal complaint titled as ***Mahender Singh vs Sanjeev Parashar*** bearing case no. NACT/3884/2017 was filed against the petitioner under section 138 of Negotiable Instrument Act 1881 and during the pendency of the criminal complaint, the petitioner was declared proclaimed offender vide order dated 13.07.2018 (Annexure P-2) by Ld. JMIC, Faridabad and thereafter on the basis of above said, order dated 29.11.2018 (Annexure P-3) was issued leading to the present FIR no.0076 under section 174-A dated 09.12.2018 registered at Police station B.P.T.P., District Faridabad.
4. As per the submissions narrated in the petition, the complaint stands

CRM-M-8685-2024

parties vide order dated 15.11.2019 (Annexure P-5) passed by the Judicial Magistrate 1st Class, Faridabad wherein the complainant has suffered a statement admitting that the entire amount has been received by him and now nothing is due against the accused/petitioner and as such he does not want to pursue the present complaint.

5. Perusal of the petition makes its crystal clear that the main complaint stands withdrawn by the complainant on 15.11.2019 therefore, continuation of proceedings under Section 174-A of IPC would be an abuse of process of law.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 the orders dated 20.07.2022 and 24.08.2022 respectively, passed by a coordinate Bench of this Court in CRM-M-46062-2017, titled as ***“Jatin Dhawan and another versus State of Haryana and another”*** and CRM-M-12534-2022, titled as ***“Krishan Kumar versus State of Haryana and another”***, respectively wherein it has been held that once the main case is dismissed as withdrawn, the continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.

6. Further reliance can be placed upon the orders of this Court dated 12.12.2022 and 13.12.2022 passed in CRM-M-55634-2022 titled as ***“Jinder Singh Vs. State of Punjab and another”*** and CRM-M-45051-2022 titled as ***“Hari Singh Meena Vs. State of Haryana”***, respectively in this regard.

7. 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.”

8. A bare reading 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.
9. Since the main complaint has been dismissed as withdrawn, as is evident from the perusal of aforesaid order dated 15.11.2019 passed by Judicial Magistrate 1st Class, Faridabad (Annexure P-5) and the offence between the petitioner and complainant is personal in nature and not against the society at large, who have resolved their dispute, no fruitful purpose would be served by continuing the proceedings in the instant case.
10. Keeping in view the above-said facts and circumstances, the present petition is allowed and FIR No.0076 dated 09.12.2018, registered at Police Station B.P.T.P., District Faridabad under Section 174-A of IPC (Annexure P-1) alongwith all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

19.02.2024
Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No