

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11575-2024
DECIDED ON: 04.03.2024

GURPREET SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Harpal Singh Sidhu, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. This is a petition under Section 482 Cr.P.C., for quashing of the order dated 10.01.2019 (Annexure P-2), passed by learned Chief Judicial Magistrate, Tarn Taran vide which the petitioner has been declared as proclaimed offender in Complaint case No.NACT/41/2018, dated 17.01.2018 titled as **“Indusind Bank versus Gurpreet Singh”** under Section 138 of Negotiable Instruments Act and further to quash FIR No.244, dated 24.08.2019, registered at Police Station Sadar Tarn Taran, District Tarn Taran, under Section 174-A of IPC (Annexure P-3).
2. Learned counsel for the petitioner states that the main complaint NACT/41/2018, dated 17.01.2018, under Section 138 of Negotiable Instruments Act, stands withdrawn by the complainant, in view of the compromise affected between the parties vide order dated 18.05.2023 (Annexure P-4) passed by Chief Judicial Magistrate, Tarn Taran.

3. He further submits that on 10.01.2019, the proceedings in complaint case No. NACT/41/2018 were fixed for presence of the present petitioner, wherein the petitioner remained absent, therefore, the Learned Chief Judicial Magistrate, Tarn Taran declared the petitioner as Proclaimed Person and sent the copy of the order to SHO of the concerned Police Station for registration of FIR under section 174-A IPC. A copy of the order dated 10.01.2019 passed in NACT/41/2018 is annexed as (Annexure P-2).

4. Notice of motion.

5. Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of respondent/State and admits the factum of compromise.

6. Heard, learned counsel for respective parties.

7. Since the main complaint has been dismissed as withdrawn, as is evident from the perusal of aforesaid order dated 18.05.2023 (Annexure P-4) passed by learned Chief Judicial Magistrate, Tarn Taran and the offence between the petitioner and complainant is personal in nature not against the society at large, who have resolved their dispute, no fruitful purpose would be served by continuing the proceedings in the instant FIR No.244, dated 24.08.2019, registered at Police Station Sadar Tarn Taran, District Tarn Taran, under Section 174-A of IPC (Annexure P-3).

8. In view of the submissions made by learned counsel for the petitioner that the main complaint stands withdrawn by the complainant on 18.05.2023, therefore, continuation of proceedings under Section 174-A of IPC would be 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.

9. 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.

10. 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 174-A 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.”

11. A perusal 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.

12. Keeping in view the above-said facts and circumstances, the present petition is allowed. The order dated 10.01.2019 (Annexure P-2) and FIR No.244, dated 24.08.2019, registered at Police Station Sadar Tarn Taran, District Tarn Taran, under Section 174-A of IPC (Annexure P-3) alongwith all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

04.03.2024

Poonam Negi

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(SANDEEP MOUDGIL)
JUDGE