

133 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
CRM-M-14766 of 2024 (O&M)
Date of Decision: 21.03.2024

Rajiv Kumar **...Petitioner**

Versus

State of Haryana **...Respondent**

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Parveen Kumar, Advocate
For the petitioner.

Mr.Neeraj Sheoran, DAG, Haryana.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C. seeking quashing of the further proceedings on the basis of criminal complaint NACT-4397 of 2017 titled Ishwar Singh Vs. Rajiv, under Section 138 of Negotiable Instruments Act (for brevity, NI Act), including order dated 27.09.2019 (Annexure P-7) and FIR No 1027 dated 27.11.2022, under Section 174-A IPC at Police Station Civil Lines, Karnal(Annexure P-8).

2. The counsel for the petitioner has submitted that complainant Ishwar Singh filed aforesaid criminal complaint against the petitioner under Section 138 of NI Act on account of dishonor of cheque. That in the said proceedings under Section 138 NI Act, the petitioner was delared proclaimed person vide order Annexure P-7 and the Court concerned also gave directions to the local police to register FIR under Section 174-A IPC against the petitioner. Consequently, FIR (Annexure P-8) was registered. It

is further submitted that subsequently matter was compromised between the parties and settled amount of Rs.3,00,000/- was paid to the complainant Ishwar Singh by petitioner Rajiv Kumar and aforesaid criminal complaint was dismissed as withdrawn vide order dated 21.02.2024 (Annexure P-10). Counsel for the petitioner further submits that once proceedings under Section 138 of NI Act are withdrawn, then continuation of further proceedings based on the said complaint, would be an abuse of process of Court.

3. Notice of motion.

4. Mr. Neeraj Sheoran, DAG Haryana accepts notice on behalf of State and submits that no ground is made out to quash the impugned FIR.

5. I have considered the submissions.

6. Undoubtedly order Annexure P-7 and FIR P-8 are off shoot of the proceedings under Section 138 of NI Act which were initiated at the instance of the complainant Ishwar Singh. The proceedings under Section 138 NI Act have already been dropped as the parties entered into compromise and criminal complaint under Section 138 NI Act was dismissed as withdrawn vide order Annexure P-10.

7. In view of the matter, since the main complaint filed under Section 138 NI Act stands withdrawn, therefore, continuation of further proceedings including order Annexure P-7 and FIR Annexure P-8 would be nothing but an abuse of process of law.

8. In light of above, I find merit in the present petition and accordingly the petition is allowed and order dated 27.09.2019 (Annexure P-

7) as well as FIR No. 1027 dated 27.11.2022 under Section 174-A IPC at Police Station Civil Lines, Karnal (Annexure P-8) and all other subsequent proceedings arising therefrom are quashed.

21.03.2024

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(KARAMJIT SINGH)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No