



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

CRM-M-17399-2024

Date of Decision: 18.09.2024

Kuldeep Singh @ Kuldeep Saini

...Petitioner

Vs.

State of Haryana and Anr.

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Jaskaran Singh, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

Mr. Shvetanshu Goel, Advocate for
Mr. Piyush Aggarwal, Advocate
for respondent No.2.

1. The petitioner has filed the present petition under Section 482 of Cr. P.C with a prayer to quash the order dated 11.06.2019 (Annexure P-1) passed by the Court of Judicial Magistrate Ist Class, Karnal, whereby the petitioner was declared as a proclaimed person and the directions were issued to register the FIR under Section 174-A of IPC against the present petitioner.

2. Learned counsel for the petitioner contends that a criminal complaint bearing case No.NACT-3742-2017, was filed by respondent No.2/complainant under Section 138 of the Negotiable Instruments Act (hereinafter referred to as the "Act") against the present petitioner. After the filing of the complaint, the petitioner was ordered to be summoned to face trial under Section 138 of the "Act". Still further, the summons/warrants were never served on the present petitioner. Ultimately, vide the impugned order dated



11.06.2019 (Annexure P-1) passed by the Court of Judicial Magistrate Ist Class, Karnal, the petitioner was ordered to be declared a proclaimed person in a complaint case. After the said order was passed, the petitioner had compromised the matter with respondent No.2/complainant vide the compromise deed (Annexure P-2). He further submits that now the main complaint has already been withdrawn by respondent No.2 from the Court of Judicial Magistrate Ist Class, Karnal on 29.05.2024. Learned counsel further contends that the very purpose of the impugned FIR was to procure the presence of the petitioner and since the main matter has already stands compromised between the parties, the proceedings arising out of impugned order (Annexure P-1) is liable to be quashed by this Court.

3. 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 has 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.”

4. A perusal of the above judgment would show that in a similar case where the FIR had been registered under Section 174-A IPC in view of the order passed in proceedings under Section 138 of the Act, while declaring the petitioner therein as a proclaimed offender, a co-ordinate Bench after relying upon various judgments observed that once the main petition 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 IPC is nothing but an abuse of the process of law. The said aspect was one of the main considerations for allowing the petition and setting aside the order declaring the petitioner therein as a proclaimed person as well as quashing of the FIR under Section 174-A IPC.

5. 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 regularized by the court while granting bail to the petitioner, the default stood condoned. In such circumstances, continuation of proceedings under Section 174A I.P.C. shall be abuse of the process of court.

7. Accordingly, the petition is allowed. FIR No.446 dated 21.08.2017, registered under Section 174A I.P.C. At Police Station Kotwali, District Faridabad, as well as consequential proceedings shall stand quashed.”

6. In the present case also, the main case has already been withdrawn by the complainant. Consequently, the continuation of the proceedings arising out of impugned order dated 11.06.2019 (Annexure P-1) would be an abuse of process of the Court. Similar observations have been made by this Court in the matter of “Anil Kumar Versus Jitender Kumar and another, CRM-M- 5878-2022 decided on 06.04.2022”, “Anil Kumar Versus Jitender Kumar and another, CRM-M-5755-2022 decided on 06.04.2022” and “Varinder Kumar @ Virender Kumar Versus State of Haryana and another, CRM-M-42551- 2021 decided on 19.04.2022” .

7. In view of the above, the present petition is allowed and impugned order dated 11.06.2019 (Annexure P-1), alongwith all subsequent proceedings arising therefrom is hereby ordered to be quashed.

18.09.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No