

267

2024:PHHC:031174

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16828-2023

DATE OF DECISION: 04.03.2024

DARSHAN SINGH

...PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Anil Mehta, Advocate
for the petitioner.

Mr. G.S.Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 482 has been invoked for setting aside of the order dated 23.03.2022 passed by the Trial Court in a complaint case under Section 138 of Negotiable Instrument Act, 1881 bearing No. 'NACT 4319 of 2019 titled as “*Parveen Mann vs. Darshan Singh.*”, whereby, the petitioner has been declared proclaimed person as well as for quashing of the FIR No. 201 dated 10.04.2022 under Sections 174-A IPC lodged at P.S. Karnal Civil Lines, Karnal.

2. The factual matrix of the present case is that the petitioner has issued a cheque bearing No. 251907, dated 13.09.2019 in favour of respondent No.2 in discharge of his legal liability and on presentation thereof, the same was dishonoured. In pursuance of the same,

Instruments Act, 1881 (hereinafter referred to as 'Act 1881') before the Court concerned.

3. Learned counsel for the petitioner has submitted that in the present case, a complaint was filed against the petitioner under the Act of 1881 and in the said complaint, the petitioner was declared as proclaimed person vide order dated 23.03.2022 (Annexure P-1). Further in pursuance to the said order an FIR No. 201 Dated 10.04.2022 Under Section 174-A IPC was registered (Annexure P-2) against the petitioner wherein, he was granted the concession of pre-arrest bail by the trial Court vide order dated 14.10.2022 (Annexure P-4).

4. It is further submitted on behalf of the petitioner that a compromise has been effected between the parties and the complaint stands disposed off being dismissed as withdrawn vide order dated 14.05.2022 in view of the fact that a compromise has been effected between the parties. It is submitted that no useful purpose would be served by prosecuting the petitioner in the instant FIR once the dispute stands settled by the parties and continuation of further proceedings would be an abuse of process of law.

5. Learned counsel for the petitioner has placed reliance 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 & Another Vs. State of Haryana and Another”** and **CRM-M-12534-2022**, titled as **“Krishan Kumar versus State of Haryana & Another”**, 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. Learned State Counsel has opposed the prayer while submitting that the non-appearance of the petitioner before the Trial Court in pursuance to the summoning order was intentional, with a purpose to delay the proceedings.

7. I have heard learned counsel for the parties and gone through the paper book.

8. Once, the complaint under the Act of 1881 stands withdrawn by the complainant, no useful purpose is going to be served by carrying on with the proceedings arising out of the present FIR.

9. Accordingly, the petition is allowed and impugned order dated 23.03.2022 declaring the petitioner as proclaimed person as well as FIR No. 201 dated 10.04.2022 under Sections 174-A IPC lodged at P.S. Karnal Civil Lines, Karnal and all other subsequent proceeding arising therefrom are ordered to be quashed qua the petitioner.

(SANDEEP MOUDGIL)
JUDGE

04.03.2024
sham

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>