

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21907 of 2024 (O&M)
Date of Decision:02.05.2024

Randeep Singh
...Petitioner
Versus
State of Haryana
...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Vijay Dahiya, 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 order dated 02.07.2018 (Annexure P-3) passed by the Court of Judicial Magistrate Ist Class, Gurugram in criminal complaint NACT-8355 of 2016 titled as India Bulls Housing Vs. Randeep Singh, under Section 138 of Negotiable Instruments Act (for brevity, NI Act), vide which the petitioner was declared as proclaimed person and FIR No 968 dated 09.11.2018, under Section 174-A IPC at Police Station Shivaji Nagar, Gurugram, Karnal(Annexure P-1) along with all the subsequent proceedings arising therefrom.
2. The counsel for the petitioner has submitted that complainant India Bulls Housing Finance Limited 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 declared proclaimed person vide order Annexure P-3 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-1) was registered. It is further submitted that subsequently matter was compromised between the parties and settled amount was paid to the complainant by petitioner and aforesaid criminal complaint was dismissed as withdrawn vide order dated 29.01.2024 (Annexure P-6) by the Court of Judicial Magistrate Ist Class, Gurguram and the complainant issued 'No Dues Certificate' (Annexure P-5) in favour of the petitioner. Counsel for the petitioner further submits that once proceedings under Section 138 of NI Act are withdrawn, then continuation of further proceedings based on the said complaint, would be an abuse of process of Court.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, which is independent of the criminal complaint lodged under Section 138 NI Act.

5. I have considered the submissions made by counsel for the parties.

6. Undoubtedly order Annexure P-3 and FIR P-1 are off shoot of the proceedings under Section 138 of NI Act which were initiated at the instance of the complainant. 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-6.

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-3 and FIR Annexure P-1 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 02.07.2018 (Annexure P-3) as well as FIR No 968 dated 09.11.2018, under Section 174-A IPC at Police Station Shivaji Nagar, Gurugram, Karnal(Annexure P-1) and all other subsequent proceedings arising therefrom are quashed.

02.05.2024
Jiten

(KARAMJIT SINGH)
JUDGE

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