

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43069-2018
DECIDED ON: 14.02.2024

VARUN UPPALPETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Poorva Gupta, Advocate and
Mr. Akshit Aggarwal, Advocate for the petitioner.

Mr. Gurbir Singh Dhillon, AAG Haryana.

Mr. Kuldeep, Advocate and
Mr. Rajesh Gupta, Advocate for respondent no. 2

SANDEEP MOUDGIL, J (ORAL)

1. This is a petition under Section 482 of Cr.P.C., for quashing the FIR No.494 dated 01.04.2017, registered at Police Station City Jagadhari, District Yamuna Nagar under Section 174-A of IPC (Annexure P-1) alongwith all consequential proceedings arising therefrom.
2. Learned counsel for the petitioner submits that the present FIR came to be registered in pursuance of the criminal complaint filed against the petitioner under Section 138 of Negotiable Instrument Act wherein cheque no. 110334 dated 28.10.2010 for a sum of Rs 1,09,000/- presented by the petitioner got dishonored and further he failed to join the proceedings and was declared Proclaimed person vide order dated 23.03.2017.

3. He further states that the petitioner has already deposited the said amount through NEFT No. DR- 110BAOOO1058 on 01.05.2017 and nothing stands due against him.

4. He states that the main complaint under Section 138 of Negotiable Instruments Act titled as “Aslam Ansari versus Varun Uppal” stands withdrawn by the complainant, in view of the compromise affected between the parties vide order dated 13.09.2018 (Annexure P-4) passed by Judicial Magistrate 1st Class stating that the Matter has been compromised between the complainant/respondent and the accused/petitioner and as such does not want to pursue the present complaint.

5. Heard, learned counsel for the parties.

6. In view of the submissions made by learned counsel for the petitioner that the main complaint stands withdrawn by the complainant on 13.09.2018 therefore, continuation of proceedings under Section 174-A of IPC would be abuse of process of law.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.

7. 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.

8. 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 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.”

9. 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.

10. Since the main complaint has been dismissed as withdrawn, as is evident from the perusal of aforesaid order dated 13.09.2018 passed by Judicial Magistrate 1st Class, Yamuna Nagar (Annexure P-3) 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 case.

8. Keeping in view the above-said facts and circumstances, the present petition is allowed and FIR No.494 dated 01.04.2017, registered at Police Station

City Jagadhari, District Yamuna Nagar under Section 174-A of IPC (Annexure P-1) alongwith all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

14.02.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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