

**CRM-M-32576-2024 (O&M)****-2-**

NACT-1988-2019 titled “**Atul Kataria vs. Deepak Kumar**” (CNR No.HRPP030094232019), whereby the petitioner has been declared as Proclaimed Person.

3. In compliance with the order dated 11.07.2024, learned counsel for the petitioner has placed on record copy of order dated 05.07.2024, passed by learned Trial Court, vide which the complaint in question has been dismissed as withdrawn.

4. Learned counsel for the petitioner has submitted that a complaint under Section 138 of the Negotiable Instruments Act was filed against the petitioner for dishonouring of cheque, wherein the petitioner was declared proclaimed person vide order dated 07.08.2023 (Annexure P-2). In the said order, direction was given to the police for proceeding under Section 174-A IPC and accordingly, FIR in question (Annexure P-1) was registered against the petitioner.

5. Learned counsel has further intimated that the aforesaid complaint under Section 138 of the Negotiable Instruments Act has been dismissed as withdrawn, vide order dated 05.07.2024, passed by learned Trial Court, as the complainant did not wish to proceed further with the complaint. The said fact has not been disputed by learned counsel appearing on behalf of the State.

6. I have heard learned counsel for the parties and perused the case file.

7. It is the settled law, when the main case under Section 138 of the Negotiable Instruments Act, out of which FIR has arisen, stands settled



between the parties, then continuation of proceedings under Section 174-A IPC would be nothing but an abuse of the process of Court.

8. Learned counsel for the petitioner has placed reliance upon the orders dated 20.07.2022 and 24.08.2022 respectively, passed by Co-ordinate Bench of this Court in CRM-M-46062-2017 titled as Jatin Dhawan and another vs. State of Haryana and another and CRM-M-12534-2022 titled Krishan Kumar vs. State of Haryana and another, wherein it has been held that once the main case is dismissed as withdrawn, the continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.

9. In view of the above facts, the present petition is allowed and order dated 07.08.2023, passed by learned Trial Court (Annexure P-2), whereby the petitioner has been declared Proclaimed Person is set aside and consequently, the FIR in question bearing FIR No.1012 dated 10.08.2023, under Section 174-A IPC, registered at Police Station Panipat City, District Panipat (Annexure P-1), is hereby quashed along with all consequential proceedings arising therefrom, subject to deposit of Rs.5,000/-, within two weeks, in the fund of ***“Punjab and Haryana High Court Lawyers’ Welfare Fund”***. Copy of Receipt be produced in the Registry immediately and same be annexed with this file.

10. Pending applications, if any, shall stand disposed of along with this judgment.

August 20, 2024
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.

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