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

CRM-M-34542-2023

DECIDED ON: 03.09.2024

KAMAL**.....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr.Lalit Kumar Narang, Advocate for the petitioner.
Mr.S.S.Pannu, Addl. Advocate General, Haryana.
Mr.Kushagar Goyal, Advocate for complainant/ respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

1. This is a petition under Section 482 of Cr.P.C., for quashing of the FIR bearing No.666 dated 21.11.2017 (Annexure P-1), under Section 174-A IPC registered at Police Station Meham, District Rohtak arising out of complaint bearing COMA-140 of 2016 titled as "Parveen versus Kamal" under Section 138 NI Act (CNR No.HRRHA1-000564-2016) that has been compromised and all subsequent proceedings, arising there from.

2. Learned counsel for the petitioner submits that the main complaint HRRNA1-00564-2016, under Section 138 of Negotiable Instruments Act, stands compromised.

3. Learned counsel for the petitioner has sought quashing of FIR (Annexure P-1) on account of the fact that the petitioner was never served, as there is no evidence with regard to the service upon the petitioner in the complaint under Section 138 of Negotiable Instrument Act.

4. He further contends that on 31.10.2017, the proceedings in complaint were fixed for presence of the present petitioner, wherein the petitioner remained



absent, therefore, the Id. ACJ(Sd) SDJM, Meham declared the petitioner as Proclaimed Person and sent the copy of the order to SHO of the concerned Police Station for registration of FIR under section 174-A IPC. A copy of the order dated 31.10.2017 is annexed as (Annexure P4).

7. Heard, learned counsel for respective parties.

8. Since the main complaint has been compromised , as is evident from the perusal of aforesaid order dated 28.09.2021 (Annexure P-5) passed by Addl. Civil Judge, Sr.Division Meham 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 FIR No.666 dated 21.11.2017, registered at Police Station Meham, District Rohtak, under Section 174-A of IPC (Annexure P-1).

9. This Court is convinced on perusal of the pleadings and the submissions made by learned counsel for the petitioner that the petitioner was never served with the summoning orders or anyailable/non-ailable warrants at any stage during the course of trial, the continuation of proceedings in the instant FIR, in pursuance of the order dated 31.10.2017 passed by ACJ(Sr.Division), Meham would tantamount to nothing else, but an abuse of process of law, which will finally be turned to a futile exercise.

10. In view of the submissions made by learned counsel for the petitioner that the main complaint has been compromised in view of the order dated 28.09.2021 (Annexure P-5), 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.

11. 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.

12. 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 174-A 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.666 dated 21.11.2017, registered under Section 174-A I.P.C. At Police Station Meham, Distt Rohtak, as well as consequential proceedings shall stand quashed.”

13. 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.

14. Keeping in view the above-said facts and circumstances, the present petition is allowed and FIR No. 666 dated 21.11.2017, registered at Police Station Meham, District Rohtak (Annexure P-1) alongwith all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

03.09.2024

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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No