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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36963-2024
Date of Decision : 02.08.2024

Shahrukh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Nafees Ahmad Khan, Advocate
for the petitioner

KIRTI SINGH, J.(Oral)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 114, dated 21.03.2023, registered under Section 174-A IPC at Police Station City Nuh, District Nuh (Annexure P-1).
2. Learned counsel for the petitioner *inter alia* submits that the complaint under Section 138 of the Negotiable Instruments Act involving cheque No. 33248233 dated 15.02.2020 of Union Bank of India Branch Nuh for a sum of Rs. 2,10,000/- stands withdrawn by the complainant.
3. Learned counsel for the petitioner has placed reliance upon order dated 28.02.2024 passed by Judicial Magistrate 1st Class, Nuh in which it is stated that the complainant had appeared before the Court and suffered a statement to the effect that he has received all cheque amount from accused Shahrukh, and he will not claim any money in future regarding this case, therefore, he does not wish to proceed further with the present complaint and wants to withdraw the same.

4. Notice of motion.



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5. Mr. Gaurav Bansal, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

6. 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 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versus State of Haryana and another”***, respectively wherein it has been held that once the main case is dismissed as withdrawn, the continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.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. He has also placed reliance 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 174A I.P.C. At Police Station Kotwali, District Faridabad, as well as



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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 passed by Judicial Magistrate 1st Class, Nuh and the offence between the petitioner and complainant is personal in nature not against the society at large and the dispute now stands resolved, therefore, no fruitful purpose would be served by continuing the proceedings in the instant FIR No. 114, dated 21.03.2023, registered under Section 174-A IPC at Police Station City Nuh, District Nuh under Section 174-A of IPC.

11. Keeping in view the above-said facts and circumstances, the present petition is allowed and FIR No. 114, dated 21.03.2023, registered under Section 174-A IPC at Police Station City Nuh, District Nuh under Section 174-A of IPC, with all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner.

02.08.2024

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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No