



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

123

DATE OF DECISION: 14.08.2024

CRM-M-39382-2024

SURINDER MITTAL

...PETITIONER

Versus

STATE OF HARYANA AND ANR. ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Himanshu Bansal, Advocate for the petitioner.
Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 582 of The Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 482 Cr.P.C. as amended for quashing of FIR No. 2323 dated 18.12.2022 registered under Sections 174-A of the IPC at P.S. Shivaji Nagar, Gurugram as well as subsequent proceedings arising thereon in case NACT-1336-2018.

2. Learned counsel for the petitioner states that the main complaint NACT-1336-2018 under Section 138 of Negotiable Instruments Act, 1881 stands withdrawn by the complainant vide order dated 13.05.2023 (Annexure P-6), in view of the compromise affected between the parties.

3. Notice of motion.

4. Learned State Counsel accepts notice on behalf of respondent/State and admits the factum of compromise.

5. Heard, learned counsel for respective parties.

6. Since the main complaint has been dismissed as withdrawn, and the offence between the petitioner and complainant is personal in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 above mentioned FIR.

7. In view of the above, the continuation of proceedings in the instant FIR would tantamount to nothing else, but an abuse of process of law, which will finally be turned to a futile exercise.

8. In view of the submissions made by learned counsel for the petitioner that since the main complaint stands withdrawn by the complainant on 13.05.2023 therefore, continuation of proceedings under Section 174-A of IPC would be an abuse of process of law. Also, this principle has been laid down in several dictums of this Court. In this regard 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versus State of Haryana and another*”, respectively wherein it has been held that once the main case is dismissed as withdrawn, the continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.

9. 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.

10. 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.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.”

11. 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.

12. Keeping in view the above-said facts and circumstances, the present petition is allowed and FIR No. 2323 dated 18.12.2022 registered under Sections 174-A of the IPC at P.S. Shivaji Nagar, Gurugram as well as subsequent proceedings arising thereon in case NACT-1336-2018 alongwith all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

(SANDEEP MOUDGIL)
JUDGE

14.08.2024
anuradha

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