



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

CRM-M-39043-2024

Date of Decision: August 12, 2024

SURINDER MITTAL

....Petitioner(s)

VERSUS

STATE OF HARYANA AND ANOTHER

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Anuj Garg, Advocate
for the petitioner.

Mr. B.S. Virk, Senior DAG, Haryana.

SANDEEP MOUDGIL, J.(ORAL)

1. This is a petition under Section 528 Bhartiya Nagrik Suraksha Sanhita (BNSS) read with Section 482 of Cr.P.C., as amended for quashing the FIR No.2060 dated 05.12.2022 registered under Section 174-A IPC, at Police Station Shivaji Nagar, Gurugram (Annexure P-3) along with all subsequent 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 25 read with Section 27 of the Payment and Settlement System Act, 2007 wherein the monthly installment of Rs.42741/- could not be executed on the ground 'Balance Insufficient' and petitioner has failed to put in appearance pursuant to which he was declared proclaimed person vide order dated 06.10.2022 (Annexure P-2).



3. He states that the main complaint under Section 25 of the Payment and Settlement Systems Act, 2007 (as amended upto date) read with Section 357 of the Code of Criminal Procedure, 1973 titled '*M/s India Infoline Housing Finance Limited*' stands withdrawn by the complainant, in view of the compromise affected between the parties vide order dated 13.05.2023 (Annexure P-6) passed by the Presiding Officer National Lok Adalat, Gurugram 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 In view of the submissions made by learned counsel for the petitioner that the main complaint stands withdrawn by the complainant on 13.05.2023 therefore, continuation of proceedings under Section 174-A of IPC would be abuse of process of law.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versus State of Haryana and another***", respectively wherein it has been held that once the main case is dismissed as withdrawn, the continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.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 13.05.2023 passed by Presiding Officer National Lok Adalat, Gurugram (Annexure P-6) 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.

11. Keeping in view the above-said facts and circumstances, the



present petition is allowed and FIR No.2060 dated 05.12.2022 registered under Section 174-A IPC, at Police Station Shivaji Nagar, Gurugram (Annexure P-3) alongwith all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

(SANDEEP MOUDGIL)
JUDGE

12.08.2024
Sangeeta

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No