

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-42662-2023
DECIDED ON: 26.04.2024**

Ajay Jaglan @ Ajay Kumar **PETITIONER**
VERSUS
State of Haryana and Anr. **RESPONDENT**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vishal Yadav, Advocate for the petitioner.
Mr. G.S.Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. This is a petition under Section 482 of Cr.P.C., seeking quashing of FIR No.513 dated 29.03.2023, registered at Police Station Karnal Civi Lines, Karnal under Section 174-A of IPC (Annexure P-3) and Order dated 13.03.2023 passed by Ld. JMIC Karnal in NACT No. 474/2019 whereby petitioner has been declared proclaimed person along with all consequential 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 138 of Negotiable Instrument Act wherein cheque no. 791017 dated 17.10.2018 for a sum of Rs 32,100/- issued by the petitioner got dishonored and further submits that petitioner was neither served properly nor refused to receive summons and as such the petitioner were totally unaware about the present complaint and thus due to his non appearance in the said complaint he has been declared proclaimed persons vide order dated 13.03.2023 (Annexure P2).

3. He states that the main complaint under Section 138 of Negotiable Instruments Act titled as 'Indusind Bjank Ltd. Through its GPA Holder Kulveer

complainant, in view of the compromise affected between the parties vide order dated 18.08.2023 passed by Judicial Magistrate 1st Class, Karnal.

4. Heard, learned counsel for the parties.

5. In view of the submissions made by learned counsel for the petitioner that the main complaint stands withdrawn by the complainant on 18.08.2023 therefore, continuation of proceedings under Section 174-A of IPC would be abuse of process of law.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versus State of Haryana and another”***, respectively wherein it has been held that once the main case is dismissed as withdrawn, the continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.

6. 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.

7. 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.”

8. 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.

9. Since the main complaint has been dismissed as withdrawn, as is evident from the perusal of aforesaid order passed by Judicial Magistrate 1st Class, 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.

10. Keeping in view the above-said facts and circumstances, the present petition is allowed and FIR No.513 dated 29.03.2023, registered at Police Station Karnal Civi Lines, Karnal under Section 174-A of IPC (Annexure P-3) and Order dated 13.03.2023 passed by Ld. JMIC Karnal in NACT No. 474/2019 whereby petitioner has been declared proclaimed person along with all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

(SANDEEP MOUDGIL)
JUDGE

26.04.2024
anuradha

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