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as “Funds Insufficient” respectively. During the course of hearing of the case before the trial Court, the summons/warrants were issued against the present petitioner vide order dated 21.12.2019. Even, before issuing the proclamation, the mandatory provisions of Section 82/83 of the Code of Criminal Procedure were not followed during the said process. Consequently, vide the impugned order dated 18.05.2023 (Annexure P-2), the Court of the Judicial Magistrate 1st Class, Faridabad, declared the petitioner to be a proclaimed person illegally and directions were issued to the concerned police station for initiation of the proceedings under Section 174-A of IPC and consequently, the FIR (Annexure P-3) dated 19.06.2023 was registered against the present petitioner.

3. During the pendency of the aforesaid proceedings, the controversy was settled inter-se between the parties and the entire amount as alleged by the complainant/respondent was paid by the petitioner to the respondent/complainant. Consequently, the respondent/complainant had withdrawn his complaint under Section 138 of the Act, vide order dated 20.05.2024 (Annexure P-4).

4. Learned counsel for the petitioner submits that after declaring the petitioner as proclaimed person, the petitioner has duly appeared before the trial Court and has been granted the concession of regular bail in FIR No. 0346 dated 19.06.2023, under Section 174-A of IPC, at Police Station Faridabad Kotwali, vide order dated 21.12.2023 (Annexure P-5). Learned counsel further contends that the very purpose of passing of the impugned order dated 18.05.2023 (Annexure P-2) and FIR (Annexure P-3) was to procure the presence of the petitioner and since the main matter already stands



compromised between the parties, the proceedings arising out of the impugned order dated 18.05.2023 (Annexure P-2) and FIR (Annexure P-3) are liable to be quashed by this Court.

5. Notice of motion.

6. On the asking of the Court, Ms. Sheenu Sura, DAG, Haryana, who is present in the Court, accepts notice on behalf of respondent No.1-State and Mr. Gagan Singh, Advocate, accepts notice on behalf of respondent No.2, by filing his Vakalatnama in Court today and the same is taken on record. Learned counsel for respondent No.2 submits that the matter has been compromised between the parties and he has no objection in case the impugned order dated 18.05.2023 (Annexure P-2) and FIR (Annexure P-3) are quashed by this Court.

7. A co-ordinate Bench of this Court in CRM-M-43813- 2018 titled as **“Baldev Chand Bansal vs. State of Haryana and another”**, decided on 29.01.2019 has held as under:-

“Prayer in this petition is for quashing of FIR No.64 dated 15.02.2017 filed under Section 174-A of the Indian Penal Code registered at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof as well as order dated 24.10.2016 passed by the trial Court vide which a direction was issued to register the aforesaid FIR.

xxx xxx xxx

*Learned counsel for the petitioner has relied upon the decisions rendered by this Court in **“Vikas Sharma vs. Gurpreet Singh Kohli and another (supra)**, 2017, (3) L.A.R. 584, **“Microqual Techno Limited and others Vs. State of Haryana and another”**, 2015 (32) RCR (Crl.) 790 and **“Rajneesh Khanna Vs. State of Haryana and another”** 2017(3) L.A.R. 555 wherein in an identical circumstance, this Court has held that since the main petition filed*



under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the process of law.

xxx xxx xxx

In view of the same, I find merit in the present petition and accordingly, present petition is allowed and the impugned order dated 24.10.2016 passed by Judicial Magistrate, 1st Class, Panchkula as well as FIR No.64 dated 15.02.2017 registered under Section 174-A of the Indian Penal Code at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof, are hereby quashed.”

8. A perusal of the above judgment would show that in a similar case where the FIR had been registered under Section 174-A IPC in view of the order passed in proceedings under Section 138 of the Act, while declaring the petitioner therein as a proclaimed person, a co-ordinate Bench after relying upon various judgments observed that once the main petition under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, the continuation of proceedings under Section 174-A IPC is nothing but an abuse of the process of law. The said aspect was one of the main considerations for allowing the petition and setting aside the order declaring the petitioner therein as a proclaimed person as well as quashing of the FIR under Section 174-A IPC.

9. 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 regularized 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.

7. 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.”

10. In the present case also, the main case has already been withdrawn by the complainant. Consequently, the continuation of the proceedings arising from the impugned order dated 18.05.2023 (Annexure P-2) and the FIR No. 0346 dated 19.06.2023 under Section 174-A IPC, registered at Police Station Faridabad Kotwali, Faridabad (Annexure P-3) would be an abuse of process of the Court. Similar observations have been made by this Court in the matter of **“Anil Kumar Versus Jitender Kumar and another, CRM-M- 5878-2022 decided on 06.04.2022”, “Anil Kumar Versus Jitender Kumar and another, CRM-M-5755-2022 decided on 06.04.2022” and “Varinder Kumar @ Virender Kumar Versus State of Haryana and another, CRM-M-42551-2021 decided on 19.04.2022”.**

11. In view of the above, the present petition is allowed and impugned order dated 18.05.2023 (Annexure P-2) and the FIR No. 0346 dated 19.06.2023 under Section 174-A IPC, registered at Police Station Faridabad Kotwali,



District Faridabad (Annexure P-3) alongwith all subsequent proceedings arising therefrom are hereby ordered to be quashed.

21.08.2024.
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(N.S.SHEKHAWAT)
JUDGE

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