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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52300-2023
DECIDED ON: 09.09.2024

ANSHUL GOYAL

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Aman Priye Jain , Advocate
for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief Sought**

The present case has been preferred under section 482 CrPC seeking quashing FIR No. 791 dated 25.10.2021(Annexure P-1) under Section 174-A IPC, 1860, registered at police station Shivajinagar Gurugram.

2. **Facts**

The brief facts of the present case is that respondent No.2 filed a complaint under Section 138 of Negotiable Instruments Act, 1881 against the petitioner-accused wherein, due to non-appearance before the trial Court, he was declared proclaimed offender vide order dated 12.10.2021 passed by Judicial Magistrate Ist Class, Gurugram and a direction was issued to proceed against the petitioner under Section 174-A of IPC, 1860. Thus, the



present case i.e. FIR No. 791 dated 25.10.2021 under Section 174-A IPC was registered against the petitioner.

3. Submissions

It has been submitted by learned counsel for the petitioner that during the pendency of present complaint a compromise was effected between the parties, in view of the same the complaint filed by Respondent No. 2 was withdrawn vide order dated 13.05.2023 in NACT 1165 of 2017 (Annexure P-3) therefore no dispute between the petitioner and Respondent No. 2 is pending.

4. Analysis

This court having heard the Ld. Counsel for the parties and having perused the paper book with their able assistance is of the view that in order to appreciate the prayer in this case, it would be appropriate to refer to certain judicial precedents on this issue. This Court in CRM-M-43813-2018 titled as "**Baldev Chand Bansal v. 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.
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Learned counsel for the petitioner has relied upon the decisions rendered by this Court in "Vikas Sharma v. Gurpreet Singh Kohli and another 2017, (3) L.A.R.584, Microqual Techno Limited and others v. State of Haryana and another, 2015 (32) RCR (Criminal) 790 and "Rajneesh Khanna v. 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.

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.”

5. This Court in another case titled as "**Ashok Madan v. 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 174A 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 174A I.P.C. At



Police Station Kotwali, District Faridabad, as well as consequential proceedings shall stand quashed.”

6. Also, this Court in case bearing no. **CRM-M-14623-2021** titled as "**Deepak v. State of Haryana and another**", decided on 17.02.2022, has held as under:-

"...Since, the proceedings under Section 138 of the Act of 1881 has been withdrawn and the present FIR has been registered on account of non-appearance of the petitioner, this Court feels that continuance of the proceedings in the present FIR would be an abuse of process of the Court.

Keeping in view the abovesaid facts and circumstances, as well as the authorities of law referred to above, the present petition is allowed and FIR No.969 dated 04.11.2018 registered under Section 174-A of IPC at Police Station Ballabgarh City, District Faridabad (Annexure P-3) and all the consequential proceedings arising therefrom, are ordered to be quashed qua the petitioner..."

7. Further, this Court in **Vikas Gupta vs. State of Haryana and others**, while quashing the FIR under Section 174-A of the IPC in **CRM-M-19636-2018** decided on 01.08.2018 has observed the following:

“The ultimate aim, objective and goal of a legal system is to reconcile the social conflicts. Law is required only to ensure that people do not have to fight with each other just to protect their right to property, right to life and liberty and other rights secured to them by the legal system. The civil disputes are the conflicts between two parties, having lesser overtones for the social order, social harmony or the society as such. Hence absolute



freedom is given to the parties to settle their disputes by compromises, of course, coming with certain legal consequences as well. However, the criminal disputes do not necessarily restrict themselves to only two parties to the dispute in terms of their scope, consequences and effect. The criminal acts tend to cast their effect and consequences even upon the society at large. Therefore, the law prescribes punishment, severe punishments and the extreme punishments, including death penalty for criminal acts.”

8. This Court, while examining the facts and circumstances of the present case, is *ad idem* with the view taken by the Coordinate Bench of this Court that once the substantive offence has been settled between the petitioner and the complainant, the proceedings of FIR No. 791 dated 25.10.2021(Annexure P-1) under Section 174-A IPC would not sustain either.

9. A perusal of the above referred judgments would manifest that where the substantive proceedings, wherein the order declaring the petitioner-accused as proclaimed person was passed, stand amicably resolved amongst the parties, resulting in withdrawal of the complaint or the quashing of the proceedings, the FIR registered under Section 174-A IPC, has also been quashed. The object being to secure presence of an accused and to establish rule of law so that the proceedings could be finalized. Once the parent dispute stands amicably resolved, the proceedings initiated as a result of intermediary orders would not sub-serve any interest of justice.

10. In the instant case also, the case FIR No. 791 dated 25.10.2021 (Annexure P-1) was lodged on account of petitioner having been declared as a proclaimed person in proceedings under section 138 of the Negotiable



Instruments Act, however, subsequently, the complaint under section 138 of the Negotiable Instruments Act has been withdrawn on account of amicable settlement of dispute, thus continuing criminal proceedings in case FIR No. 791 dated 25.10.2021(Annexure P-1) would be nothing but a misuse of process of law.

11. Decision

In view of above, the order dated 12.10.2021 (Annexure P-2) whereby, the petitioner was declared a proclaimed person and FIR No. 791 dated 25.10.2021(Annexure P-1), under Section 174-A IPC, 1860, registered at Police Station Shivaji Nagar, Gurugram Haryana along with all the consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

12. In the afore-said terms the present petition is hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

09.09.2024

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No