



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42751-2024

Date of Decision: September 02, 2024

DHRAMA RAMPetitioner(s)

VERSUS

STATE OF HARYANA AND ANOTHERRespondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Naresh Kumar Ganga, Advocate
for the petitioner.

SANDEEP MOUDGIL, J.(ORAL)

This is a petition under Section 528 Bhartiya Nagrik Suraksha Sanhita, 2023 (BNSS) for setting aside the P.O. order dated 22.07.2022 (Annexure P-1) and quashing of the FIR No.532 dated 25.07.2022 (Annexure P-2) under Section 174-A of Indian Penal Code, 1860, registered at Police Station Civil Line Sirsa District Sirsa and all subsequent proceedings arising therefrom on the basis of the withdrawal of the main case (NACT-906 of 2018) on the basis of order/settlement dated 10.07.2024 (Annexure P-3) arrived at between the parties.

2. Learned counsel for the petitioner submits that the present FIR came to be registered in pursuance of the criminal complaint titled as 'Manpreet Singh vs. Dharma Ram' filed against the petitioner under Section 138 of Negotiable Instruments Act, before the Chief Judicial Magistrate, Sirsa for an amount of Rs.1,10,000/- wherein the petitioner failed to join the



trial proceedings and in pursuance of which he was declared proclaimed person vide order dated 22.07.2022.

3. He states that the main case bearing NACT-906 of 2018 titled '*Manpreet Singh vs. Dharma Ram*' stands withdrawn by the complainant, in view of the compromise affected between the parties vide order dated 10.07.2024 (Annexure P-3) passed by the Judicial Magistrate 1st Class, Sirsa stating that accused has paid the entire cheque amount along with the compensation to the complainant and as such he does not want to pursue the present complaint.

4. Mr. Manpreet Singh, Advocate, puts in appearance on behalf of respondent No.2 and has filed his memo of appearance in Court, which is taken on record. He affirms the factum of compromise.

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 In view of the submissions made by learned counsel for the petitioner that the main complaint stands withdrawn by the complainant on 10.07.2024 (Annexure P-3) therefore, continuation of proceedings under Section 174-A of IPC would be abuse of process of law.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 10.07.2024 (Annexure P-

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3) passed by the Judicial Magistrate 1st Class, Sirsa 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 P.O. order dated 22.07.2022 (Annexure P-1) and FIR No.532 dated 25.07.2022 (Annexure P-2) under Section 174-A of Indian Penal Code, 1860, registered at Police Station Civil Line Sirsa District Sirsa alongwith all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

(SANDEEP MOUDGIL)
JUDGE

02.09.2024*Sangeeta*

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