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

**CRM-M-48076-2024**

**Date of Decision: September 26, 2024**

**MANJEET SINGH SAHI ALIAS MANJIT SINGH AND OTHERS**

**....Petitioner(s)**

**VERSUS**

**STATE OF HARYANA AND ANOTHER**

**....Respondent(s)**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Nirmaljeet Singh Sidhu, Advocate  
for the petitioners.

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

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**SANDEEP MOUDGIL, J.(ORAL)**

1. This is a petition under Section 528 BNSS, 2023 (replaced with 482 Cr.P.C.) for quashing the FIR No.947 dated 26.11.2022, registered at Police Station Panipat City District Panipat, Haryana, under Section 174-A of IPC (Annexure P-3) alongwith all consequential proceedings arising therefrom.

2. Learned counsel for the petitioners submits that the present FIR came to be registered due to his non appearance in complaint case bearing NACT No.321/2019 titled as *Rajesh Kumar vs. M/S. BHC Star Pvt. Ltd. and others* wherein cheque No.016905 dated 19.11.2018 for an amount of Rs.50,000/- issued by the petitioner was dishonoured and he failed to appear in complaint case and was accordingly declared as proclaimed offender vide order dated 21.11.2022 (Annexure P-2).



3. He further states that vide order dated 09.06.2023 (Annexure P-4) matter has been compromised with the between the parties, hence complaint under Section 138 of NI Act stands withdrawn.

4. In view of the submissions made by learned counsel for the petitioners that compromise is effected between the parties vide order dated 09.06.2023 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 **CRM-M-No.19639 of 2018** whereby the coordinate bench of this court has observed that once the main FIR has already been compromised between the parties and is not going to proceed further therefore it would not be justified to make the petitioner face the trial for an offence under section 174-A of IPC.

5. 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.”*

6. 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.

7. Since the complaint under Section 138 of NI Act stands withdrawn by the complainant, no useful purpose would be served by continuing the proceedings under section 174-A of IPC and as the same is personal in nature not against the society at large, who have resolved their dispute.

8. Keeping in view the above-said facts and circumstances, the present petition is allowed and FIR No.947 dated 26.11.2022, registered at Police Station Panipat City District Panipat, Haryana, under Section 174-A of IPC (Annexure P-3) is quashed alongwith all consequential proceedings arising therefrom.

9. Accordingly, the present petition stands disposed off.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**26.09.2024**  
*Sangeeta*

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