



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

CRM-M-47143-2024

Date of decision: 20.09.2024

Gurjant Singh Virk

...Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sunny Tyagi, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking quashing of order dated 30.09.2019 Annexure P-1, whereby the petitioner was declared as a proclaimed person in criminal complaint titled Krishan Enterprises Vs. Gurjant Singh Virk under Section 138 NI Act and FIR No.43 dated 18.01.2022 Annexure P-2 registered under Section 174-A IPC, Police Station Civil Lines Karnal.

2. The counsel for the petitioner submits that complainant/respondent No.2 filed aforesaid criminal complaint against the petitioner under Section 138 NI Act. In the said criminal complaint, the petitioner was declared proclaimed person vide order Annexure P-1 with further direction to register FIR under Section 174-A IPC in accordance with law against the petitioner. Consequently, FIR Annexure P-2 was registered. It is further submitted that subsequently, matter was compromised between the parties and aforesaid criminal complaint was dismissed as withdrawn by the Court of Judicial Magistrate Ist Class, Karnal vide order dated 08.04.2022 Annexure P-3. The counsel for the petitioner further contends that once proceedings under Section 138 NI Act are withdrawn, the continuation of further proceedings based on the said complaint, would be misuse of process of Court.



3. Notice of motion to respondent No.1-State.
4. Mr. A.K. Sehrawat, DAG, Haryana, accepts notice on behalf of the State and submits that no ground is there to quash the impugned FIR Annexure P-2 and earlier order dated 30.09.2019 Annexure P-1.
5. Undoubtedly, impugned order Annexure P-1 and FIR Annexure P-2 are result of the proceedings initiated under Section 138 NI Act. The proceedings under Section 138 NI Act are already terminated and the concerned complaint filed under Section 138 NI Act was dismissed as withdrawn vide order Annexure P-3 dated 08.04.2022.
6. In view of the matter, since the main complaint filed under Section 138 NI Act is already withdrawn, as the matter was compromised, the continuation of further proceedings including order Annexure P-1 and FIR Annexure P-2 would be nothing but an abuse of process of law.
7. In light of the above, I find merit in the present petition and accordingly, the petition is allowed and order dated 30.09.2019 Annexure P-1 and FIR No.43 dated 18.01.2022 Annexure P-2 and all other subsequent proceedings arising therefrom are quashed.
8. Keeping in view the nature of order being passed, no notice is required to be issued to the respondent No.2. However, if he feel dissatisfied with this order, he may move an application to recall the same.

20.09.2024*Yogesh***(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned:-****Whether reportable:-****Yes/No****Yes/No**