



CRM-M-47715-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.139

Case No. : CRM-M-47715-2024

Decided On : September 23, 2024

Neelam Devi

.... Petitioner

vs.

State of Haryana and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. G. S. Sandhu, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

Mr. Bhushan Bhatia, Advocate
and Mr. Hemant Hans, Advocate
for respondent no.2/complainant.

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GURBIR SINGH, J. :

1. Prayer in the present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) is for quashing of FIR No.0286 dated 14.07.2022, under Section 174-A IPC, registered at Police Station Butana, District Karnal (Annexure P-2), with all consequential proceedings including report under Section 173 Cr.P.C. dated 17.09.2022 (Annexure P-3), as the main Complaint Case i.e. NACT/6596/2018 titled as Sarav Haryana Gramin Bank through Ramesh Kumar Manager vs. Neelam Devi, filed under Section 138/142 of Negotiable Instruments Act, has already been dismissed as withdrawn vide order dated 14.09.2022 (Annexure P-4), passed by learned Judicial Magistrate Ist Class, Karnal



(hereinafter referred to as – Trial Court) as the matter has been compromised between the parties.

2. Pursuant to advance notice, learned State counsel and learned counsel for the complainant/respondent no.2 have put in appearance to assist the Court and state that they have no objection if the FIR in question is quashed on the basis of compromise.

3. Learned counsel for the petitioner has submitted that respondent no.2 filed complaint under Section 138 of the Negotiable Instruments Act (Annexure P-1), against the petitioner for dishonouring of cheque, wherein the petitioner was declared proclaimed person vide order dated 19.05.2022 and accordingly, FIR in question (Annexure P-2) was registered against the petitioner. Learned counsel has further intimated that the aforesaid complaint under Section 138 of the Negotiable Instruments Act (Annexure P-1) has been dismissed as withdrawn, vide order dated 14.09.2022 (Annexure P-4) passed by learned Trial Court, as the parties have amicably settled their dispute and have entered into compromise. The said fact has not been disputed by learned counsel appearing on behalf of respondent no.2/complainant.

4. I have heard learned counsel for the parties and perused the case file.

5. It is settled law, when the main case under Section 138 of the Negotiable Instruments Act, out of which FIR has arisen, stands settled between the parties, then continuation of proceedings under Section 174-A

IPC would be nothing but an abuse of the process of Court.

6. In view of the above facts, the present petition is allowed and FIR No.0286 dated 14.07.2022, under Section 174-A IPC, registered at Police Station Butana, District Karnal (Annexure P-2) and report under Section 173 Cr.P.C. dated 17.09.2022 (Annexure P-3) are hereby quashed along with all consequential proceedings arising therefrom, in view of the fact that the complaint case, out of which the aforesaid FIR has arisen, has already been dismissed as withdrawn vide order dated 14.09.2022 (Annexure P-4), passed by learned Trial Court, on the basis of compromise arrived at between the parties.
7. Pending applications, if any, shall stand disposed of along with this judgment.

September 23, 2024
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.