

279 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51230-2023 (O&M)
Date of decision: 11.03.2024

GYAN SINGH

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Kapil Gupta, Advocate
for the petitioner.

Mr. R.K. Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (ORAL)

CRM-42957-2023

Allowed as prayed for.

CRM-M-51230-2023

By way of present petition filed under Section 482 Cr.P.C., the petitioner is seeking quashing of FIR No.70 dated 20.02.2023 registered for the offence punishable under Section 174-A of the IPC, at Police Station Pehowa, District Kurukshetra (Annexure P-1) along with all proceedings subsequent thereto on the ground that principal proceedings initiated against the petitioner under Section 138/142 of the Negotiable Instruments Act, 1881 (hereinafter referred to as ‘the N.I. Act’) already stand withdrawn as fully satisfied vide order dated 26th of November, 2022.

2. The petitioner herein was summoned to face trial under Section 138 of the N.I. Act. On account of his lapse, he was declared Proclaimed Person which led to the registration of present FIR under Section 174-A IPC.

3. Ld. Counsel for the petitioner submits that now the principal proceedings initiated against the petitioner *qua* offence punishable under Section 138 of the N.I. Act stand withdrawn as fully satisfied vide order dated 26th of November, 2022 and the petitioner has been issued No Objection Certificate by the complainant which has been placed on record as Annexure P-4. Counsel thus contends that continuation of the present proceedings under Section 174-A IPC shall amount to an abuse of process of law.

4. State Counsel does not controvert the aforesaid fact.

5. Having heard counsel for the parties, in the considered opinion of this Court the question as to whether proceedings under Section 174-A IPC can survive after the principal complaint filed under Section 138 of the N.I. Act already stands settled/withdrawn/adjudicated, is no more *res integra* and has been answered by a Co-ordinate Bench of this Court in **CRM-M-43813-2018** titled as **“Baldev Chand Bansal Vs. State of Haryana and another”** vide order dated 29th of Janaury, 2019, which 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 vs. Gurpreet Singh Kohli and another (supra), 2017, (3) L.A.R.584, Microqual Techno Limited and others Vs. State of Haryana and another, 2015 (32) RCR (Crl.) 790 and “Rajneesh Khanna Vs. 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.*

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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."

6. Same is the view of another Co-ordinate Bench in the “**Ashok Madaan vs. State of Haryana and another” reported as 2020 (4) RCR (Criminal) 87**, wherein it has been held that:

“No doubt, the learned counsel for the respondent has vehemently argued that the offence under Section 174-A 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.”

7. Keeping in view the facts and circumstances of the present case and in view of the principles settled by this Court, the present petition is allowed. FIR No.70 dated 20.02.2023 registered for the offence punishable under Section 174-A of the IPC, at Police Station Pehowa, District Kurukshetra (Annexure P-1) and all proceedings subsequent thereto, are hereby quashed *qua* the present petitioner.

March 11, 2024		(Pankaj Jain)
Dpr		Judge
	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No