



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

CRM-M-57782-2024
Date of decision: 21.11.2024

Devender Yadav

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Shalender Mohan, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 528 of BNSS 2023, seeking quashing of FIR No.855 dated 20.09.2022, under Section 174-A IPC, Police Station Hisar City (Annexure P-1).

2. The counsel for the petitioner has submitted that complainant/respondent No.2 filed criminal complaint titled Indusind Bank Limited Vs. Devender Yadav against the petitioner under Section 138 of NI Act on account of dishonor of cheque. That in the said proceedings under Section 138 NI Act, the petitioner was declared proclaimed person and the Court concerned also gave directions to the local police to register FIR under Section 174-A IPC against the petitioner. Consequently, FIR (Annexure P-1) was registered. It is further submitted that subsequently matter was compromised between the parties and the aforesaid criminal complaint was dismissed as withdrawn vide order dated 04.07.2023 (Annexure P-2) passed



by the Court of Judicial Magistrate Ist Class, Hisar . Counsel for the petitioner further submits that once proceedings under Section 138 of NI Act are withdrawn, then continuation of further proceedings based on the said complaint, would be an abuse of process of Court.

3. I have considered the submissions made by counsel for the petitioner.

4. FIR Annexure P-1 has arisen out of aforesaid criminal complaint lodged by complainant/respondent No.2 against the present petitioner, under Section 138 NI Act. The proceedings under Section 138 NI Act are already dropped vide order Annexure P-2, as the matter was compromise between the parties.

5. In light of the above, since the main complaint filed under Section 138 NI Act stands withdrawn, therefore, continuation of further proceedings on the basis of FIR Annexure P-1 would be nothing but an abuse of process of law.

6. For the foregoing reasons, I find merit in the present petition and accordingly the same is allowed and FIR No.855 dated 20.09.2022, under Section 174-A IPC, Police Station Hisar City (Annexure P-1) and all other subsequent proceedings arising therefrom are quashed qua the petitioner.

21.11.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**