

**CRM-M-60388-2023**

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**2024:PHHC:016603**

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

**CRM-M-60388-2023**  
**Date of decision : 06.02.2024**

**CHIRAG TALWAR**

....Petitioner

Versus

**STATE OF HARYANA AND ANOTHER**

....Respondents

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Ms. Nancy Vashistha, Advocate for the petitioner.

Mr. Sanjeev Kumar, Addl. Advocate General, Haryana.

**PANKAJ JAIN, J. (ORAL)**

By way of present petition filed under Section 482 Cr.P.C., the petitioner is seeking quashing of FIR No.483 dated 15.11.2023 registered for the offence punishable under Section 174-A of the IPC, at Police Station Sector 17, HUDA, Jagadhri, Yamuna Nagar (Annexure P-1) and order dated 26<sup>th</sup> of October, 2022 whereby the petitioner has been declared as Proclaimed Person along with all proceedings subsequent thereto.

2. Reply by way of affidavit of Abhilaksh Joshi, HPS, DSP Jagadhri (Yamuna Nagar) has been filed on behalf of the respondent-State, today in Court. The same is taken on record.

3. Ld. Counsel for the petitioner submits that the petitioner was summoned to face summary trial and proceedings under Section 138 of the N.I. Act wherein he was declared as Proclaimed Person vide order dated

26<sup>th</sup> of October, 2022. The same further led to registration of impugned FIR under Section 174-A IPC. She relies upon the order dated 2<sup>nd</sup> of January, 2023 passed by JMFC, Jagadhri and submits that the complaint under Section 138 of the N.I. Act stands dismissed as withdrawn. In the aforesaid circumstances, she contends that continuation of the present proceedings under Section 174-A IPC shall amount to an abuse of process of law.

4. State Counsel is not in position to dispute the fact w.r.t. withdrawal of the principal complaint under Section 138 of the NI Act.

5. Having heard counsel for the parties, and in view of aforesaid admitted facts the question thus arises is : *“Whether the impugned order declaring the petitioner to be a Proclaimed Person, dated 26.10.2022 and the consequential FIR under Section 174-A IPC can survive after the principal complaint filed under Section 138 of the N.I. Act already stands settled and withdrawn?,*

6. The aforesaid question 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 29<sup>th</sup> 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."*

7. 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.”*

8. 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.483 dated 15.11.2023 registered for the offence punishable under Section 174-A of the IPC, at Police Station Sector 17, HUDA, Jagadhri, Yamuna Nagar (Annexure P-1) and order dated 26<sup>th</sup> of October, 2022 whereby the petitioner has been declared as Proclaimed Person along with all proceedings subsequent thereto, are hereby quashed *qua* the present petitioner.

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|---------------------------|---|----------------------|
| <b>February 06, 2024</b>  |   | <b>(Pankaj Jain)</b> |
| <b>Dpr</b>                |   | <b>Judge</b>         |
| Whether speaking/reasoned | : | Yes/No               |
| Whether reportable        | : | Yes/No               |