

CRM-M-57727-2024

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

CRM-M-57727-2024

Date of Decision: 20.11.2024

Naib Singh

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vijay Lath, Advocate, for the petitioner.

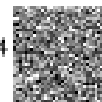
Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition is for quashing of FIR No.164 dated 21.09.2019 registered under Section 174-A IPC, at Police Station Fatehgarh Sahib, District Fatehgarh Sahib as well as subsequent proceedings arising out from the said FIR.

2. Learned counsel for the petitioner has submitted that the petitioner was prosecuted in a complaint filed under Section 138 of the NI Act, however, during the pendency of the same, the petitioner was declared as proclaimed person and the impugned FIR under Section 174-A IPC was registered against him. He submits that now both the sides have compromised their dispute and on the basis of the same, the complaint has been withdrawn vide order dated 01.02.2023. He further submits that once the main complaint itself stands withdrawn, prosecution of the petitioner in the impugned FIR registered under Section 174-A would be nothing but an abuse of the process of the law.

3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab accepts notice on behalf



of the State. He has submitted that the petitioner was rightly declared as proclaimed person, pursuant to which impugned FIR under Section 174-A of IPC was registered against the petitioner and the petitioner is liable to be prosecuted for the same.

5. I have heard counsel for the parties and perused the record. It is apparent that the present FIR was registered due to non-appearance of the petitioner as he was declared as a proclaimed person vide order dated 01.06.2019. As submitted before this Court, the main complaint itself stands withdrawn.

6. This Court time and again has held that when the main proceedings under Section 138 of NI Act stand compromised, then the continuation of FIR and proceedings under Section 174-A of IPC on account of petitioner having been declared as proclaimed offender would be nothing but an abuse of the process of law. This view was taken by the coordinate Bench of this Court in a case titled as “**Ashok Madan vs. State of Haryana and another**” reported as 2020(4) RCR (Criminal) 87, “**Anil Kumar Versus Jitender Kumar and another**”, CRM-M-5878- 2022 decided on 06.04.2022 and “**Varinder Kumar @ Virender Kumar Versus State of Haryana and another**”, CRM-M-42551-2021 decided on 19.04.2022.

7. So, keeping in view the above-said facts, it is clear that the FIR was registered on account of absence of the petitioner and the dispute between the parties has been settled and the complaint has already been withdrawn. Continuation of the proceedings under Section 174-A of IPC shall be abuse of the process of the law as the main complaint stands withdrawn in view of the settlement effected between the parties. Keeping in

view the law settled, FIR No.164 dated 21.09.2019 registered under Section 174-A IPC, at Police Station Fatehgarh Sahib, District Fatehgarh Sahib including the order dated 01.06.2019 passed by the learned JMIC, Fatehgarh Sahib, on the basis of which, the present FIR was lodged, is quashed. The petition stands disposed of.

20.11.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No