

CRM-M-58589-2024

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

CRM-M-58589-2024

Date of Decision: 29.11.2024

Pankaj Madan

..... Petitioner

Versus

State of Haryana

.....Respondent

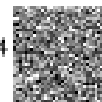
CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Vaibhav Garg, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition is for quashing of FIR No.181 dated 30.04.2022 registered under Section 174-A IPC, at Police Station Kaithal City and FIR No.397 dated 06.09.2022, registered under Section 174-A IPC, at Police Station Civil Lines, District Kaithal and the subsequent proceedings arising therefrom.

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 FIRs under Section 174-A IPC arising out of same cause of action, were registered against him. He submits that even otherwise both the sides have compromised their dispute and on the basis of the same, the complaint has been withdrawn vide order dated 24.05.2023. He submits that as is evident from the order dated 24.05.2023 passed by learned JMIC, Kaithal, statement of the complainant has been recorded to the effect that he does not want to pursue the complaint as the matter between the parties already stands settled. He further submits that once the main complaint itself stands withdrawn, prosecution of the



petitioner in the impugned FIRs registered under Section 174-A would be nothing but an abuse of the process of the law.

3. Notice of motion.

4. Mr. Sumit Jain, Addl. AG, Haryana, accepts notice on behalf of the State. He has submitted that the petitioner was rightly declared as proclaimed person, pursuant to which he has been prosecuted in the FIR registered under Section 174-A IPC.

5. I have heard counsel for the parties and perused the record. It is apparent that the present FIRs were registered due to non-appearance of the petitioner as he was declared as a proclaimed person vide order dated 02.03.2022. As submitted before this Court, the main complaint itself stands withdrawn.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 person 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 root cause of controversy i.e. 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 controversy has been finished in view of the settlement effected between the parties. Keeping in view the law settled, FIR No.181 dated 30.04.2022 registered under Section 174-A IPC, at Police Station Kaithal City and FIR No.397 dated 06.09.2022, registered under Section 174-A IPC, at Police Station Civil Lines, District Kaithal including the order dated 02.03.2022 passed by the learned JMIC, Kaithal, on the basis of which, the present FIRs were lodged, are quashed.

8. The petition stands disposed of.

29.11.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No