

CRM-M-64663-2023 (O&M)

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

(293)

CRM-M-64663-2023 (O&M)

Date of Decision:-24.04.2024

Anil Kumar and Ors.

.....Petitioners

Versus

State of Haryana and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Satish Garg, Advocate for the petitioners.

ALOK JAIN, J. (Oral)

1. The present petition is for quashing the impugned order dated 13.09.2023 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Safindon, District Jind(Haryana), whereby the petitioner has been declared proclaimed person in Complaint NACT/461/2018 under Section 138 of the Negotiable Instrument Act, 1981.

2. Learned counsel for the petitioner submits that, in fact, the matter had been compromised and the above said complaint had been withdrawn by respondent No.2 on 21.11.2023 (Annexure P-3). However, due to oversight and inadvertence, the order dated 13.09.2023 (Annexure P-2), whereby, the petitioner had been declared a proclaimed person was not

CRM-M-64663-2023 (O&M)

set aside which led to the filing of the above said FIR.

3. Notice of motion.

4. Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of respondent No.1-State and Mr. Anil Soni, Advocate has put in appearance on behalf of respondents No.2 and 3 and filed his *vakalatnama*, which is taken on record.

5. The learned counsel for the petitioner submits that this Court has consistently held that in case where an FIR under Section 174-A has been registered in view of the order passed in proceedings under Section 138 of the Negotiable Instruments Act, while declaring the petitioner therein as proclaimed offender, once the main complaint under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, the continuation of proceedings under Section 174-A of IPC would be nothing but an abuse of process of law.

6. To substantiate his arguments, learned counsel for the petitioner has relied upon the judgment passed by a Co-ordinate Bench of this Court in ***CRM-M-43813-2018*** titled as **“Baldev Chand Bansal Vs. State of Haryana and another”** decided on 29.01.2019, wherein, it has been 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

CRM-M-64663-2023 (O&M)

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. In support of his arguments, learned counsel for the petitioner has further relied upon the following judgments passed by the Co-ordinate Benches of this Court:-

- (i) CRM-M-53195-2022 titled as “Nirmaljit Singh Vs. State of Haryana and others” reported as 2023 (244) AIC 676*
- (ii) CRM-M-59826-2022 titled as “Subhash Vs. State of Haryana and another, reported as 2023 (3) R.C.R. (Criminal) 722*
- (iii) CRM-M-47657-2022 titled as “Randhir Singh Tyagi Vs. State of Haryana and another”, reported as 2022 (3) DCR 694*

8. This Court has heard the learned counsel for the parties at

CRM-M-64663-2023 (O&M)

length.

9. Keeping in view the above facts and circumstances as well as the authorities of law referred to hereinabove, the present petition is squarely covered by the same and, hence, allowed and the impugned order dated 13.09.2023 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Safindon, District Jind (Haryana) is also set aside, and all the subsequent proceedings emanating therefrom are quashed.

10. Pending application(s), if any, stands disposed of.

(ALOK JAIN)
JUDGE

April 24, 2024.

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Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No