

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-1414-2024
Date of Decision: 7.3.2024

Bablu Sahni @ Babluy Sahni

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ashish Sanghi, Advocate,
for the petitioner.

Mr. Viney Phogat, DAG, Haryana

KARAMJIT SINGH, J. (Oral)

Present petition has been filed under Section 482 of Cr.P.C. for setting aside impugned order dated 23.4.2021 (Annexure P-4) whereby the petitioner was declared as proclaimed person in criminal complaint NACT/1535/2019 titled Chander Kant Choudhry v. Bablu Sahni by the Court of Judicial Magistrate, 1st Class, Karnal and for quashing of FIR No.0130 dated 25.2.2022 registered under Section 174-A IPC at Police Station Sector 32-33, Karnal, District Karnal (Annexure P-7) and all the subsequent proceedings arising thereof and order dated 10.4.2023 (Annexure P-8) whereby the petitioner has been charge sheeted under Section 174-A IPC in the above mentioned FIR.

2. Counsel for the petitioner has submitted that Chander Kant Choudhry filed afore mentioned criminal complaint under Section 138 of Negotiable Instruments Act on account of dishonour of cheque against the petitioner. It is further submitted that in the said proceedings under Section

138 of Negotiable Instruments Act, the petitioner was declared proclaimed person vide order Annexure P-4 and the Court concerned also gave directions to the Local Police to register FIR and consequently, impugned FIR (Annexure P-7) was registered against the petitioner under Section 174-A IPC. It is further submitted that in the meantime, the petitioner effected compromise with Chander Kant Choudhry and on the basis of the said compromise, the aforesaid criminal complaint filed under Section 138 of Negotiable Instruments Act was dismissed as withdrawn vide order dated 23.5.2022 (Annexure P-6).

3. Counsel for the petitioner further submits that once proceedings under Section 138 of Negotiable Instruments Act have been withdrawn, then continuation of the proceedings under Section 82 of Cr.P.C. and consequent FIR (Annexure P-7) would be abuse of the process of Court.

4. State counsel, on the other hand, has opposed the present petition and submits that no ground is made out to quash impugned orders dated 23.4.2021 & 10.4.2023 (Annexures P-4 and P-8) and FIR (Annexure P-7)

5. I have considered the submissions made by the counsel for the parties.

6. Undoubtedly, impugned orders dated 23.4.2021 (Annexure P-4), 10.4.2023 (Annexure P-8) and FIR (Annexure P-7) are offshoot of proceedings under Section 138 of Negotiable Instruments Act which were initiated at the instance of Chander Kant Choudhry. Order (Annexure P-6) was got verified from the record available on the official site of District Judiciary, Hisar. From the perusal of Annexure P-6, it is evident that the proceedings under Section 138 of Negotiable Instruments Act are already

terminated as the complaint in question was dismissed as withdrawn by Chander Kant Choudhry as the parties entered into compromise.

7. In view of the matter since the main complaint filed under Section 138 of Negotiable Instruments Act stands withdrawn, the matter being compromised between the parties, therefore, continuation of the orders dated 23.4.2021 (Annexure P-4), 10.4.2023 (Annexure P-8) and FIR (Annexure P-7) would be nothing but an abuse of the process of law.

8. In light of above, the present petition is allowed and impugned orders dated 23.4.2021 (Annexure P-4), 10.4.2023 (Annexure P-8) and FIR No.0130 dated 25.2.2022 registered under Section 174-A IPC at PS Sector 32-33, Karnal, District Karnal (Annexure P-7) are quashed qua the petitioner.

(KARAMJIT SINGH)
JUDGE

March 7, 2024
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No