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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 7551/2024

SURESH KUMAR

.....Petitioner

Through: Mr. Prince Jain, Ms. Neera Jain, Mr.
Saroj Kumar Singh, Advs.

versus

STATE GOVT.OF NCT OF DELHI

.....Respondent

Through: Ms. Kiran Bairwa, APP for State and
SI Loveleen, PS Moti Nagar, ASI
Ashok Kumar, PCR.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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24.09.2024

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of case FIR No. 133/2020 dated 16.03.2020 under Section 174A IPC registered at PS Moti Nagar, Delhi and all other proceedings emanating therefrom.

Learned counsel submits that the present FIR was registered as the proceedings under Section 82 Cr.P.C. were issued against the petitioner in the complaint under Section 138 NI Act. Learned counsel submits that complaint against the petition bearing CC No. 1310/2018 titled as **Rajender vs. Suresh Kumar** has already been settled vide order dated 03.06.2022.

Issue notice. Learned APP for State has accepted the notice.

The copy of the order of learned MM dated 03.06.2022 has been placed on record which reveals that the entire matter has been settled



between the petitioner and the complainant. The proceedings under Section 82 & 83 Cr.P.C. were also recalled.

In *Ashok Madan vs. State of Haryana and another*, 2019 SCC OnLine P&H 7782, the Punjab Haryana High Court, held that although the offense under Section 174A IPC is independent of the main case, its registration was due to the petitioner's absence, which was later regularized by the grant of bail. Thus, continuing the proceedings under Section 174A IPC would be an abuse of the court's process. Consequently, the petition was allowed, and FIR No. 446 dated 21.08.2017 was quashed. Thus it is clear that the FIR was registered under Section 174A IPC pursuant to the order passed by learned Trial Court in proceedings of CC No. 1310/2018 titled as *Rajender vs. Suresh Kumar* under Section 138 NI Act.

On the identical facts the High Court of Punjab and Haryana in *Sanjeev Kumar vs State of Haryana* CRM-M-60015-2022, the proceedings under Section 174A IPC was quashed in the complaint case under Section 138 NI Act against the petitioner stood withdrawn.

In the circumstances, I consider that there will be no purpose of continuing with the proceedings. Hence, FIR No. 133/2020 dated 16.03.2020 under Section 174A IPC registered at PS Moti Nagar, Delhi and all other proceedings emanating therefrom stands quashed.

The present petition along with pending application, if any, stands disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 24, 2024/AR/NA..