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

+ **CRL.M.C. 9895/2024**

MR. ADNAN AHMED ABBASIPetitioner

Through: **Mr.Vishnu Sharma, Advocate**

versus

STATE OF NCT OF DELHI AND ANRRespondents

Through: **Mr.Mukesh Kumar, APP for State
with SI Nivedita PS Naraina and ASI
Deepak, Cyber West**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **17.12.2024**

Crl.M.A. Nos. 37897/2024 and 37898/2024

Exemptions allowed, subject to just exceptions.

The applications stand disposed of.

CRL.M.C. 9895/2024

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed seeking quashing of FIR No. 239/2023 filed registered under Section 174A of the Indian Penal Code, 1860 at Police Station Naraina.
2. Learned counsel for the petitioner submits that the present proceedings have arisen out of a complaint case No. 42352/2016 filed under Section 138 of the Negotiable Instruments Act regarding dishonour of a cheque Nos. 340371 dated 15.01.2015 and 3 Cheque no.340372 dated 15.02.2015.



3. Learned counsel submits that however the matter was compounded by the learned Trial Court on 3.07.2023 as the same was settled in mediation. but the present FIR under Section 174 of the IPC was registered as the petitioners were declared proclaimed offenders.
4. Considering the fact that the present FIR was registered only after petitioners being declared PO in C.C.No.42552/2016 which stands compounded as settled vide order dated 18.02.2024, no fruitful purpose would be served if present proceedings continue.
5. In *Jarnail Singh Bajwa vs. Stte of Punjab*, CrI. M.45812/2014 it was inter alia held that once the main petition under Section 138 of N.I.Act stands withdrawn/compounded in view of an amicable settled between the parties, the continuation of proceedings under Section 174 A of IPC is nothing but on abuse of the process of law.
6. It has further been submitted that complaint case No. 42352/2016 has already been compounded and the present petitioners have been acquitted. Learned counsel also filed a mediation settlement dated 3.11.2023 whereby the present matter has been compounded. The order dated 19.02.2024 has also been filed by which the matter has been compounded.
7. Since it was a complaint under Section 138 of the Negotiable Instruments Act and the FIR was lodged under Section 174 A of the IPC as the petitioners were declared proclaimed offenders, and as the complaint Case No. 42352/2026 has already been compounded and disposed of vide order dated 19.2.2024, there is no point in continuing the present proceedings. The same is quashed.
8. In view of the above, FIR No. 239/2023 registered under Section 174A of the Indian Penal Code, 1860 at Police Station Naraina and all the



other proceedings emanating therefrom against the petitioners are quashed.

9. The petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 17, 2024
SV/ht..