



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

CRM-M-717-2025

Date of decision: 13.01.2025

SUNIL RAWAT

...Petitioner

Vs.

STATE OF HARYANA AND ANR.

... Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Tanmay Gupta , Advocate for the petitioner.

Mr. B.S Virk, Sr. DAG, Haryana

SANDEEP MOUDGIL, J

1. This is a petition under Section 528 of BNSS, for quashing the FIR No.723 dated 24.11.2020, under section 174-A IPC,1860 registered at Police Station Ballabhgarh City, District Faridabad, Haryana (Annexure P-3) arising out of Order dated 29.04.2016 passed by Ld. JMIC, Faridabad (Annexure P-2) in complaint bearing NACT/3536/2015 as titled “Ashok Kumar Kashyap Vs Sunil Rawat ” dated 28.07.2015 (Annexure P-1).

2. The Brief facts of the case are that the instant FIR got registered in pursuance of the aforementioned criminal complaint filed against the petitioner under section 138,141,142 of the Negotiable Instruments Act (hereinafter referred to as the N.I. Act) due to dishonour of a cheque amounting to Rs 5,00,000/- and the present petitioner was declared as a Proclaimed Offender due to non-appearance before the JMIC, Faridabad dated 29.04.2016 (Annexure P-2) in pursuance of the same FIR No. 723 dated 24.11.2020 under section 174-A IPC was registered,(Annexure P-3).



The Present petitioner was declared a Proclaimed Offender again vide order dated 11.01.2023 of the JMIC, Faridabad in pursuance of the same, another FIR was registered under section 174-A IPC bearing No. 0046 dated 20.10.2023, the same was quashed vide order dated 04.07.2024 of this court (Annexure P-5).

3. As per the submissions put forth by the Ld. Counsel for the Petitioner in the petition, it is evident that the matter stands amicably compromised in pursuance and the criminal complaint bearing no. NACT/3536/2015 as titled “Ashok Kumar Kashyap Vs Sunil Rawat ” stands dismissed as withdrawn vide order dated 17.04.2023 by the JMIC, Faridabad (Annexure P-6).wherein the complainant has suffered a statement admitting that the entire amount has been received by him and now nothing is due against the accused/petitioner and as such he does not want to pursue the present complaint.

4. On mere perusal of order dated 17.04.2023 of JMIC, Faridabad it is crystallised that the complaint under section 138,141,142 N.I. Act dated 28.07.2015 stands withdrawn by the complainant therefore, continuation of proceedings under Section 174-A of IPC would be an abuse of process of law. Also, this principle has been laid down in several dictums of this Court and reliance can be placed upon the orders dated 20.07.2022 and 24.08.2022 respectively, passed by a coordinate Bench of this Court in CRM-M-46062-2017, titled as “***Jatin Dhawan and another versus State of Haryana and another***” and CRM-M-12534-2022, titled as “***Krishan Kumar versus State of Haryana and another***”, respectively wherein it has



been held that once the main case is dismissed as withdrawn, the continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.

5. Further reliance can be placed upon the orders of this Court dated 12.12.2022 and 13.12.2022 passed in CRM-M-55634-2022 titled as “***Jinder Singh Vs. State of Punjab and another***” and CRM-M-45051-2022 titled as “***Hari Singh Meena Vs. State of Haryana***”, respectively in this regard.

6. Another Co-ordinate Bench of this Court in a case titled as “***Ashok Madan vs. State of Haryana and another***” reported as 2020 (4) RCR (Criminal) 87 has also held as under:-

“No doubt, the learned counsel for the respondent has vehemently argued that the offence under Section 174A I.P.C. is independent of the main case, therefore, merely because the main case has been dismissed for want of prosecution, the present petition cannot be allowed, however, keeping in view the fact that the present FIR was registered only on account of absence from the proceedings in the main case which had been subsequently regularised by the court while granting bail to the petitioner, the default stood condoned. In such circumstances, continuation of proceedings under Section 174-A I.P.C. Shall be abuse of the process of court.

Accordingly, the petition is allowed. FIR No.446 dated 21.08.2017, registered under Section 174-A I.P.C. At Police Station Kotwali, District Faridabad, as well as consequential proceedings shall stand quashed.”

7. A bare reading of the relevant extract of the above judgment would show that where the main case was dismissed for want of prosecution, it was observed that the continuation of proceedings under Section 174-A of the IPC shall be an abuse of the process of court.



8 Since the main complaint has been dismissed as withdrawn, as is evident from the perusal of aforesaid order dated 17.04.2023 passed by Judicial Magistrate 1st Class, Faridabad (Annexure P-6)and the offence between the petitioner and complainant is personal in nature and not against the society at large, who have resolved their dispute, no fruitful purpose would be served by continuing the proceedings in the instant case.

9 Keeping in view the above-said facts and circumstances, the present petition is allowed and FIR No.723 dated 24.11.2020, registered at Police Station Ballabhgarh City, District Faridabad under Section 174-A of IPC (Annexure P-3) along with all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

10. Allowed in aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

13.01.2025

Poonam Negi (P)

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