



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-2944-2025

Decided on: 02.04.2025

Sumit Dung

... Petitioner(s)

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Tarun Sharma, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed by Sumit Dung through his Special Power of Attorney-Pooja w/o Sumit Dung. Prayer in this petition, filed under Section 528 of BNSS, seeking quashing of FIR No.0019, dated 12.01.2023, under Section 174-A of IPC, registered at Police Station Thanesar Sadar, District Kurukshetra, and all consequential proceedings arising therefrom.

2. On raising of the primary objection regarding maintainability of the present quashing petition, filed at the instance of Special Power of Attorney, counsel for the petitioner relies upon the judgment of Division Bench of this Court, titled as, '*Mangal Dass Gautam and another Vs. State of Haryana and another*', 2020(2) RCR(Criminal) 382, Law Finder Doc Id # 1706587 and submits that as per observations made in paragraph Nos. 40 and 41, it is clearly upon the wisdom of the particular Court to examine the circumstances of a particular case and then to grant permission, if the reason assigned is genuine. Observations made in paragraph No. 40 and 41 are reproduced herebelow:



“40. The view taken in the case of Amit Ahuja’s case(supra) cannot be said to be correct for the reasons detailed above.

41. The questions in Reference are, thus, answered as follows:

i) Criminal proceedings under Section 482 Cr.P.C, 1973 can be filed by an accused through an Attorney but the circumstances under which it can be so filed and would be maintainable would be dependent upon various factors including facts and circumstances of the particular case, which is better left at the wisdom and discretion of the Court.

ii) In the light of the answer to Question No.1 mentioned above, Question No.2 does not survive to be answered as it was dependent upon the answer of Question No.1 and an offshoot of the question in a particular eventuality”

3. Adverting to the circumstances in the present case, petitioner points out that there was a complaint against the petitioner filed by the Central Bank of India-respondent No.2, under Section 138 of Negotiable Instruments Act,1881 and said complaint was withdrawn on 30.10.2024 on account of the payment of the complete amount after effecting of compromise between the parties. Order dated 30.10.2024 passed by learned Judicial Magistrate First Class, Kurukshetra is reproduced herebelow:

“Present: Sh. B.K. Sharma, Advocate for the complainant.

An application for putting up the case file from the record room has been filed by the learned counsel for the complainant. Original file be summoned from the record room and the restored on its original number. The learned counsel for the complainant suffered a statement to the effect that the matter has been compromised with the accused and he does not want to pursue with the present complaint and withdraw the same. Heard. Statement perused. In view of the statement suffered by learned counsel for the complainant, the complaint in hand is hereby dismissed as withdrawn. File be consigned to Record Room after due compliance.

Order Dated:30.10.2024

*Judicial Magistrate First Class
Kurukshetra. UID No. HR0480”*



4. Learned counsel for the petitioner also relies upon the judgment passed by this Court, titled as, '***Sanjeev Kumar Vs. State of Haryana***', ***2023(1) RCR (Criminal) 642, Law Finder Doc Id #2091540***, whereby the very purpose of proceedings under Section 174-A IPC is considered to be meaningless once the main issue is already over on account of a compromise between the parties.

Counsel also submits that after registration of FIR under Section 174-A IPC, the final report has not been submitted till date by the police and therefore, merely on technicality the prayer made by the petitioner through Special Power of Attorney should not be declined.

5. Notice of motion.

6. On asking of the Court, Mr. Kanwar Sanjiv Kumar, AAG, Haryana, who is present in Court, accepts notice on behalf of respondent No.1 – State. Copy of the paper book has already been supplied to him.

7. In view of the settled proposition of law, wherein, several other similar matters have already been decided by this Court, learned State counsel has no serious and authentic submissions before this Court to oppose the prayer made in present petition.

8. Heard

9. Under these circumstances, once the proceedings under Section 138 of NI Act stands withdrawn on the basis of compromise, continuation of the instant FIR under Section 174-A of IPC is nothing but an abuse of process of law. In this regard reliance can be placed upon judgment rendered by this Court in the case of ***Microqual Techno Limited and others v. State of Haryana and another (CRM-M-43210-2014; Date of Decision:14.09.2015)***, which has subsequently been followed ***in CRM-M-***



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47891-2021, titled as, “Jitender Singh v. State of Haryana and another”, decided on 16.11.2021, Law Finder Doc Id #1924279, and the order dated 05.09.2022, passed by this Court in CRM-M-34291-2022, titled as, “Pankaj Sharma Vs. State of Haryana and another’, 2022(4) RCR (Criminal) 767, Law Finder Doc Id #2038108.

10. Accordingly, instant petition is allowed. FIR No.118 dated 11.09.2023, under Section 174-A of IPC, registered at Police Station Giddarbaha, District Sri Muktsar Sahib, as well as all consequential proceedings arising therefrom, stand quashed *qua* the petitioner.

Petition stands disposed of.

**(SANJAY VASHISTH)
JUDGE**

April 02, 2025

Rashmi

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No