



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

CRM-M-9234-2024
Date of decision: 07.01.2025

Jagmohan Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sukhdeep Singh, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by petitioner seeking quashing of order dated 12.07.2021 (Annexure P-9) passed by the Court of Judicial Magistrate, Ist Class, Karnal in a criminal complaint having CIS No.428/2019 titled as M/s Jindal Trading Company Vs. Jagmohan Singh under Section 138 of Negotiable Instruments Act whereby the petitioner was declared as proclaimed person in the aforesaid criminal complaint and FIR No.262 dated 18.07.2021 (Annexure P-14) lodged under Section 174-A IPC at Police Station Nissing, District Karnal.

2. The counsel for the petitioner submits that after the passing of the impugned order (Annexure P-9), the petitioner effected compromise with complainant and on the basis of the said compromise, the aforesaid criminal complaint was withdrawn by complainant against the petitioner. The counsel for the petitioner further submits that in view of the withdrawal of the main criminal complaint, the impugned order (Annexure P-9) and FIR (Annexure P-14) are not sustainable and deserve to be set aside.

3. In response to notice of motion, Mr. Tanuj Sharma, AAG, Haryana has put in appearance on behalf of the State and filed reply by way of an affidavit of Gurmel Singh, Deputy Superintendent of Police (Traffic),



Karnal, wherein also it was admitted that complainant suffered a statement before the trial Court that he does not want to proceed further with the complaint as the matter has been compromised.

4. Admittedly, impugned order dated 12.07.2021 (Annexure P-9) whereby the petitioner has been declared as proclaimed person and registration of FIR (Annexure P-14) under Section 174-A IPC are off shoot of the aforesaid criminal complaint filed by the complainant against the petitioner under Section 138 NI Act. From the perusal of Annexure P-13, it appears that the matter has been compromised between the parties and the aforesaid criminal complaint was dismissed as withdrawn in the National Lok Adalat which was held on 11.09.2021. The copy of the concerned order dated 11.09.2021 is taken on record. It being so, the impugned order dated 12.07.2021 (Annexure P-9) and FIR (Annexure P-14) registered under Section 174-A IPC are not sustainable in the eye of law and even otherwise continuation of Annexure P-14 and P-9 will amount to abuse of the process of Court and that of law.

6. In light of the above, the present petition is hereby allowed and impugned order dated 12.07.2021 (Annexure P-9) and impugned FIR No.262 dated 18.07.2021 (Annexure P-14) lodged under Section 174-A IPC at Police Station Nissing, District Karnal are hereby quashed qua the petitioner.

07.01.2025

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No