



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

CRM-M-22434-2022
Date of decision: 14.01.2025

Raghav Nagpal

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Piyush Sharma, Advocate for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

Mr. Vivek Singla, Advocate for respondent No.2.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C. seeking quashing of criminal complaint bearing No.COMA/10079/2015 titled Shubham Infotech System Vs. R.B. Enterprises and Another (Annexure P-1) and all the consequential proceedings including order dated 05.06.2018 (Annexure P-3) whereby petitioner is declared as proclaimed person in the aforesaid criminal complaint and FIR No.196 dated 20.08.2018, registered under Section 174-A IPC (Annexure P-6), registered at Police Station Civil Lines, Bathinda, on the basis of compromise dated 06.09.2021 (Annexure P-4).

2. In response to notice of motion, the respondent No.2 appeared through his counsel Mr. Vivek Singla, Advocate.

3. The counsel for the petitioner has submitted that criminal complaint Annexure P-1 was filed by respondent No.2/complainant against



the petitioner under Section 138 NI Act on account of dishonor of cheque. In the said proceedings, under Section 138 NI Act, the petitioner was declared proclaimed person vide order Annexure P-3 and the Court concerned also gave directions to the police to registered FIR under Section 174-A IPC and consequently, FIR Annexure P-6 was registered. It is further submitted that subsequently, the matter was compromised between the parties vide Annexure P-4 and the payment of settled amount was made by the petitioner vide Annexure P-5. Counsel for the petitioner further submits that on the basis of the said compromise, criminal complaint Annexure P-1 was dismissed as withdrawn by the Court of Judicial Magistrate Ist Class, Bathinda, vide order dated 17.11.2021. The copy of the said order is taken on record. Counsel for the petitioner further submits that once proceedings under Section 138 NI Act are withdrawn, then the continuation of further proceedings based on the said complaint, would amount to miscarriage of justice.

4. The counsel appearing on behalf of the complainant has not disputed the fact of compromise. The counsel for the complainant has also admitted that on account of said compromise, the criminal complaint Annexure P-1 was dismissed as withdrawn on 17.11.2021.

5. As the criminal complaint Annexure P-1 is already withdrawn, the relief seeking quashing of the said criminal complaint has been rendered infructuous.

6. Undoubtedly, order dated 05.06.2018 (Annexure P-3) and FIR Annexure P-6 have arisen out of the complaint Annexure P-1 which was filed under Section 158 NI Act. The said complaint is already dismissed as



withdrawn vide order dated 17.11.2021 on the basis of compromise effected between the parties.

7. In view of the matter, since the main complaint Annexure P-1 filed under Section 138 NI Act stands withdrawn, thus, continuation of further proceedings including order Annexure P-3 and FIR Annexure P-6 would be nothing but an abuse of process of law.

8. In light of the above, I find merit in the present petition and accordingly, the petition is allowed and order dated 05.06.2018 (Annexure P-3) as well as FIR No.196 dated 20.08.2018, registered under Section 174-A IPC (Annexure P-6), at Police Station Civil Lines, Bathinda and all other subsequent proceedings arising therefrom are quashed.

9. The present petition is disposed of in aforesaid terms.

14.01.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**