

2025:PHHC:068803



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

**CRM-M-28049-2025
DECIDED ON: 21.05.2025**

SURESH KUMAR ALIAS TINKU

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

SANDEEP MOUDGIL, J (ORAL)

1. This is a petition under Section 528 BNSS, for quashing the FIR No.1693 dated 10.12.2023, registered at Police Station Karnal Civil Lines, District Karnal, under Section 174-A of IPC (Annexure P-8) as well as the order dated 19.07.2023 (Annexure P-6) vide which the petitioner has been declared proclaimed person in a complaint case No.NACT/246/2022 dated 19.01.2022.
2. Learned counsel for the petitioner states that the main complaint NACT/246/2022 dated 19.01.2022, under Section 138/142 of Negotiable Instruments Act involving cheque No.083315 dated 11.11.2021 for a sum of Rs.50,000/-/- drawn on Central Bank of India, stands withdrawn by the complainant, in view of the compromise affected between the parties vide order dated 25.07.2023 (Annexure P-7) passed by Judicial Magistrate 1st Class, Karnal.
3. Notice of motion.

4. Mr. Chetan Sharma, DAG Haryana accepts notice on behalf of respondent/State.

5. Since the main complaint has been dismissed as withdrawn, as is evident from the perusal of aforesaid order dated 25.07.2023 (Annexure P-7) passed by Judicial Magistrate 1st Class, Karnal and the offence between the petitioner and complainant is personal in nature not against the society at large, who have resolved their dispute, no fruitful purpose would be served by continuing the proceedings in the instant FIR No.1693 dated 10.12.2023, registered at Police Station Karnal Civil Lines, District Karnal, under Section 174-A of IPC (Annexure P-8).

6. In view of the submissions made by learned counsel for the petitioner that the main complaint stands withdrawn by the complainant on 25.07.2023 (Annexure P-7) therefore, continuation of proceedings under Section 174-A of IPC would be abuse of process of law.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.

7. 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.

8. 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 174-A 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.”

9. A perusal 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.

10. Since the main complaint has been dismissed as withdrawn, as is evident from the perusal of aforesaid order passed by Judicial Magistrate 1st Class and the offence between the petitioner and complainant is personal in nature not against the society at large, who have resolved their dispute, no fruitful purpose would be served by continuing the proceedings in the instant FIR No.1693 dated 10.12.2023, registered at Police Station Karnal Civil Lines, District Karnal, under Section 174-A of IPC (Annexure P-8).

11. Keeping in view the above-said facts and circumstances, the present petition is allowed and FIR No.1693 dated 10.12.2023, registered at Police Station Karnal Civil Lines, District Karnal, under Section 174-A of IPC (Annexure P-8) as well as the order dated 19.07.2023 (Annexure P-6) alongwith all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

21.05.2025

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>