



under Section 174-A IPC. The present proceedings were initiated on account of financial dealings which stands settled and the complaint stands withdrawn, vide award dated 09.09.2023, Annexure P-11, passed in the National Lok Adalat. Thus, the submission made is that continuation of the present proceedings would amount to abuse of process of Court.

3. Learned State counsel submits that the FIR was rightly registered as the petitioner was declared proclaimed offender by the trial Court for having absented, however, the factum of order/award dated 09.09.2023, whereby the complaint was withdrawn remained uncontroverted.

4. On 02.12.2023, learned counsel for respondent No.2 appeared and also affirmed the factum of complaint having been withdrawn.

5. Heard.

6. It is apposite to refer to the order dated 09.09.2023, passed by the Presiding Officer, National Lok Adalat, Rajpura, whereby the complaint in question itself was ordered to be dismissed as withdrawn, which reads thus:

“In view of the statement of complainant Pardeep Kumar proprietor of M/s Deep Electronics, the present complaint is dismissed as withdrawn. File be consigned to the Judicial Record Room, Rajpura.”

7. In **Baldev Chand Bansal vs. State of Haryana and another**, CRM-M-43813-2018, decided on 29.01.2019, this Court quashed the FIR registered under Section 174-A IPC in pursuance of the settlement arrived at between the parties, and held thus:

“Prayer in this petition is for quashing of FIR No.64 dated 15.02.2017 filed under Section 174-A of the Indian Penal Code registered at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof as well as order dated 24.10.2016 passed by the trial Court vide which a direction was issued to register the aforesaid FIR.

xxx xxx xxx

Learned counsel for the petitioner has relied upon the decisions rendered by this Court in "Vikas Sharma vs. Gurpreet Singh Kohli and another (supra), 2017, (3) L.A.R.584, Microqual Techno Limited and others Vs. State of Haryana and another, 2015 (32) RCR (Crl.) 790 and "Rajneesh Khanna Vs. State of Haryana and another" 2017(3) L.A.R. 555 wherein in an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the process of law.

xxx xxx xxx

In view of the same, I find merit in the present petition and accordingly, present petition is allowed and the impugned order dated 24.10.2016 passed by Judicial Magistrate, 1st Class, Panchkula as well as FIR No.64 dated 15.02.2017 registered under Section 174-A of the Indian Penal Code at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof, are hereby quashed.”

8. In similar set of facts and circumstances, while placing reliance on the judgments of **Microqual Techno Ltd. vs. State of Haryana**, 2015 (32) RCR (Criminal) 790; **Rajneesh Khanna vs. State of Haryana and another**, 2017 (3) L.A.R. 555, CRM-M32612 of 2020, **Surender Singh vs. State of Haryana and another** decided on 12.01.2021, the proceedings initiated under Section 174-A IPC, were quashed by this Court in the case of **Murli Jha vs. State of Haryana** 2021(3) R.C.R.(Criminal) 563, by observing therein that, “I have considered the rival submissions of the



parties. The FIR is an outcome of the order declaring the petitioner as a proclaimed person in proceedings initiated under section 138 of NI Act which stands settled, the complaint has been withdrawn and the proceedings against the accused petitioner were dropped. In such circumstances, the continuation of prosecution under Section 174-A IPC in pursuance to orders passed by the trial Court cannot be permitted to continue.”

9. In the present case, the petitioner was declared a proclaimed offender on 05.07.2023, pursuant to which the impugned FIR was registered on 01.08.2023, however, during the interregnum, the main complaint itself stood withdrawn on 09.09.2023, hence this Court finding that continuation with the proceedings in question would amount to an abuse of the process of the Court, thus, in light of the judgment in **Ramesh Chandra vs. State of U.P.**, 2022 SCC OnLine SC 1634, the FIR is liable to be quashed, in exercise of power under Section 482 Cr.P.C.

10. Accordingly, the present petition is allowed. The impugned order dated 05.07.2023 passed by Judicial Magistrate First Class, Rajpura is set aside and the resultant FIR No.227 dated 01.08.2023, under Section 174A IPC, registered at Police Station City, Rajpura, District Patiala and all other consequential proceedings arising therefrom, are hereby quashed.

(AMAN CHAUDHARY)
JUDGE

09.09.2025

kv

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