



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

**CRM-M-18260-2025
DECIDED ON: 04.04.2025**

PANKAJ SHARMA

....PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

Mr. B.S. Virk, Sr. DAG, Haryana.

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

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked for the second time under Section 528 BNSS seeking quashing the FIR No.660 dated 25.04.2023 (Annexure P-1) registered under Section 174-A of Indian Penal Code, 1860 registered at Police Station Karnal Civil Lines, Karnal District Karnal along with all subsequent proceedings arising out of the said FIR, especially taking into consideration the fact that the main complaint under Section 138 of Negotiable Instrument Act, (Annexure P-2) bearing NI No.330 of 09.02.2021 has already withdrawn vide order dated 13.05.2024 (Annexure P-4).

2. Learned counsel for the petitioner submits that the present FIR came to be registered in pursuance of the criminal complaint bearing NACT No.330 of 09.02.2021 at the behest of respondent No.2, who is the Tourist Officer. The complaint pertains to the dishonor of a cheque bearing No.

081034 dated 14.12.2020 issued by the petitioner in favor of respondent No. 2, for an amount of Rs. 1,41,000/-, drawn from Union Bank of India, Sector 6, Karnal. The cheque was returned with the remark 'funds insufficient,' leading to the filing of the present complaint. Consequently, the petitioner was declared a proclaimed person under the order dated 13.03.2023 (Annexure P-3).

3. He further states that the main complaint under Section 138 of Negotiable Instruments Act has already been withdrawn vide order and statement dated 13.05.2024 (Annexure P-4 and P-5 respectively).

4. Heard.

5. In view of the submissions made by learned counsel for the petitioner that the main complaint stands withdrawn by the complainant on 13.05.2024 therefore, continuation of proceedings under Section 174-A of IPC would be abuse of process of law.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.

6. 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.

7. 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 174A 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."

8. A perusal of the relevant extract of the above judgment would show that where the main case was dismissed as withdrawn, it was observed that the continuation of proceedings under Section 174-A of the IPC shall be an abuse of the process of court.

9. Since the main complaint has been dismissed as withdrawn, as is evident from the perusal of aforesaid order dated 13.05.2024 passed by Judicial Magistrate 1st Class, Karnal (Annexure P-4) and the offense between the petitioner and complainant is personal in nature and not against the society at large, who now have resolved their dispute, no fruitful purpose would be served by continuing the proceedings in the instant case.

10. Keeping in view the above-said facts and circumstances, the present petition is allowed wherein FIR No.660 dated 25.04.2023 (Annexure P-1) registered under Section 174-A of Indian Penal Code, 1860 registered at Police Station Karnal Civil Lines, Karnal District Karnal alongwith all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

04.04.2025

Poonam Negi

**(SANDEEP MOUDGIL)
JUDGE**

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