

2025:PHHC:045693



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

**CRM-M- -16795-2024
DECIDED ON: 02.04.2025**

RANBIR SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr.D.P.S Bajwa , Advocate
for the petitioner.
Mr.B.S Virk. DAG, Haryana

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of the court has been invoked under Section 482 of Cr.P.C., seeking quashing of the and FIR No.0571 dated 13.12.2022, under Section 174-A of IPC (Annexure P-1). registered at Police Station Panchkula, District Panchkula, Haryana arising out of the complaint bearing NACT-812-2017 under Section 138 Of Negotiable Instruments Act ,1881 (In Short referred to be as NI,Act)

2. Learned counsel for the petitioner states that the main complaint bearing NACT-812-2017 , under Section 138 of Negotiable Instruments Act, stands withdrawn by the complainant, vide order dated 22.05.2023 (Annexure P-14) passed by Judicial Magistrate 1st Class, Panchkula, in view of the compromise affected between the parties.

3. Learned counsel for the petitioner has sought quashing of the FIR under Section 174-A of IPC on account of the fact that the petitioner was never served, as there is no evidence with regard to the service upon the petitioner in the complaint under Section 138 of NI,Act.

4. He further contends that on 02.12.2022, the proceedings in complaint case No. NACT-812-2017 were fixed for presence of the present petitioner, wherein the petitioner remained absent, therefore, the Id. JMIC, Panipat declared the petitioner as Proclaimed Person and sent the copy of the order to SHO of the concerned Police Station for registration of FIR under section 174-A IPC. A copy of the order dated 02.12.2022 passed in NACT-812-2017 is annexed as (Annexure P-12).

5. Notice of motion.

6. Mr. Baljinder Singh Virk, Sr. DAG Haryana accepts notice on behalf of respondent/State and admits the factum of compromise.

7. Heard, learned counsel for respective parties.

8. Since the main complaint has been dismissed as withdrawn, as is evident from the perusal of aforesaid order dated 22.05.2023 (Annexure P-14) passed by Judicial Magistrate 1st Class, Panchkula and the offence between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.0571 dated 13.12.2022, under Section 174-A of IPC (Annexure P-1) registered at Police Station Panchkula, District Panchkula, Haryana

9. This Court is convinced on perusal of the pleadings and the submissions made by learned counsel for the petitioner that the petitioner was never served with the summoning orders or anyailable/non-ailable

warrants at any stage during the course of trial, the continuation of proceedings in the instant FIR, in pursuance of the order dated 02.12.2022 passed by Judicial Magistrate 1st Class, Panchkula would tantamount to nothing else, but an abuse of process of law, which will finally be turned to a futile exercise.

10. In view of the submissions made by learned counsel for the petitioner that the main complaint stands withdrawn by the complainant on 22.05.2023 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.

11. 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.

12. 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.”

13. 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.

14. Keeping in view the above-said facts and circumstances, the present petition is allowed and FIR No.0571 dated 13.12.2022, under Section 174-A of IPC (Annexure P-1) registered at Police Station Panchkula, District Panchkula, Haryana arising out of the complaint bearing NACT-812-2017 alongwith all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

(SANDEEP MOUDGIL)
JUDGE

02.04.2025

Sham/Meenu

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