

(2026) 08 P&H CK 0480
In the Punjab And Haryana At Chandigarh
Case No : CRM-M-42763-2026 (O & M)

M/s Bhagwati Rice Mill

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

BNSS — Section 528
Code of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 174-A
Negotiable Instruments Act, 1881 — Section 138

Citation : (2026) 08 P&H CK 0480

Hon'ble Judges : Jasjit Singh Bedi, J

Bench : Single Bench

Advocate : Mr. Sachin Kamboj, Advocate, for Mr. Vivek Goyal, Advocate, for the petitioner. Mr. T.P. Singh, Sr. DAG, Haryana.

Final Decision : allowed

Judgement

This is a petition under Section 528 BNSS (Section 482 Cr.P.C.) for quashing of the impugned FIR No.0487 dated 16.11.2022 under Section 174-A IPC registered at Police Station Civil Line Kaithal, District Kaithal (Annexure P-1) as well as all subsequent proceedings arising therefrom.

2. The brief facts of the case are that a complaint under Section 138 of Negotiable Instruments Act was instituted against the accused-petitioner-firm through its partner Ajay Kumar at the instance of the complainant-Dalip Chand. As the accused-petitioner did not appear before the Trial Court to face trial, he was declared as a proclaimed person. Subsequently, the FIR No.0487 dated 16.11.2022 under Section 174-A IPC at Police Station Civil Line Kaithal, District Kaithal (Annexure P-1) came to be registered against the petitioner.

3. Later, the accused-petitioner approached this Court by way of a petition bearing No.CRM-M-4046-2022 seeking quashing of the complaint NACT No.1069-2017 titled as 'Dalip Chand versus Bhagwati Rice Mills' dated

27.09.2017, summoning order dated 08.05.2018 and order dated 11.11.2021. During the pendency of the aforesaid petition, the matter was referred to the Mediation and Conciliation Centre where a settlement was effected between the parties. Based on the compromise arrived at between the parties, the complaint NACT No.1069-2017, summoning order dated 08.05.2018 and order dated 11.11.2021 came to be quashed vide order dated 15.09.2022 (Annexure P-4) passed by this Court. In view of the settlement arrived at between the parties, as the complaint NACT No.1069-2017 under Section 138 of the Negotiable Instruments Act, summoning order dated 08.05.2018 and order dated 11.11.2021 stand quashed in terms of the order dated 15.09.2022 (Annexure P-4), the present petition has been filed for quashing of the aforesaid impugned FIR N.0487 dated 16.11.2022 under Section 174-A IPC, Police Station Civil Line Kaithal, District Kaithal (Annexure P-1) and all other subsequent proceedings arising therefrom.

4. The learned counsel for the petitioner submits that the matter was compromised between the parties. Pursuant thereto, the complaint NACT No.1069-2017 under Section 138 of the Negotiable Instruments Act, summoning order dated 08.05.2018 and order dated 11.11.2021 stand quashed by this Court vide order dated 15.09.2022 (Annexure P-4). Therefore, the present FIR No.0487 dated 16.11.2022 (Annexure P-1) and all subsequent proceedings arising therefrom are liable to be quashed.

5. Notice of motion.

6. Mr. T.P. Singh, Sr. DAG, Haryana, present in the Court, accepts notice on behalf of the respondent-State. He opposed the present petition and submit that the impugned FIR (Annexure P-1) has been correctly registered.

7. I have heard the learned counsel for the parties and perused the paper-book.

8. From the above-said facts and circumstances, it is apparent that the present FIR was registered during the pendency of the proceeding under Section 138 of the Negotiable Instruments Act. The complaint under Section 138 of the Negotiable Instruments Act, summoning order dated 08.05.2018 and the order dated 11.11.2021 itself have been quashed in view of the order dated 15.09.2022 (Annexure P-4).

9. A co-ordinate Bench of this Court in **CRM-M-43813-2018** titled as "**Baldev Chand Bansal vs. State of Haryana and another**", decided on 29.01.2019 has held as under:-

"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.

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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.

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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."

10. A perusal of the above judgment would show that in a similar case where the FIR had been registered under Section 174-A IPC in view of the order passed in proceedings under Section 138 of the Act, while declaring the petitioner therein as a proclaimed offender, a co-ordinate Bench after relying upon various judgments observed that once the main petition under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, the continuation of proceedings under Section 174-A IPC is nothing but an abuse of the process of law. The said aspect was one of the main considerations for allowing the petition and setting aside the order declaring the petitioner therein as a proclaimed person as well as for quashing of the FIR under Section 174-A IPC.

11. 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 174A I.P.C. Shall be abuse of the process of court.

7. Accordingly, the petition is allowed. FIR No.446 dated 21.08.2017, registered under Section 174A I.P.C. At Police Station Kotwali, District Faridabad, as well as consequential proceedings shall stand quashed."

12. 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 IPC shall be an abuse of the process of court. A similar view has been expressed by this Court in "Anil Kumar Versus Jitender Kumar and another, CRM-M-5878-2022 decided on 06.04.2022", "Anil Kumar Versus Jitender Kumar and another, CRM-M-5755-2022 decided on 06.04.2022" and "Varinder Kumar @ Virender Kumar Versus State of Haryana

and another, CRM-M-42551-2021 decided on 19.04.2022".

13. In the present case the proceedings under Section 138 of the Negotiable Instruments Act have culminated in a settlement, pursuant to which, the complaint under Section 138 of the Negotiable Instruments Act, summoning order dated 08.05.2018 and order dated 11.11.2021 have already been quashed by this Court vide order dated 15.09.2022 (Annexure P-4).

14. In view of the above, the present petition is allowed and subject to a deposit of Rs.25,000/- as costs Sadhna Society for the Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building Manimajra, Sector 13, Chandigarh, the impugned FIR No.0487 dated 16.11.2022 under Section 174-A IPC registered at Police Station Civil Line Kaithal, District Kaithal (Annexure P-1) and all other subsequent proceedings arising therefrom are hereby quashed qua the petitioner only.

15. The pending application(s), if any, shall stand disposed of accordingly.