

In the High Court for the States of Punjab and Haryana at  
Chandigarh

**CRM-M-9758-2023**

**Date of Decision:** *February 23, 2023*

Suresh Kumar

... *Petitioner*

Versus

State of Haryana and another

.... *Respondents*

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Rahul Jaswal, Advocate,  
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana.

**Vivek Puri, J.**

The petitioner is seeking to quash the order dated 21.12.2022 passed by the Court of learned Judicial Magistrate First Class, Panipat in Complaint No. NACT-990-2018 dated 02.05.2018 titled as “Mahindra & Mahindra Financial Services Ltd. vs. Suresh Kumar” vide which the petitioner has been declared proclaimed person, as well as, the FIR bearing No. 1091, dated 21.12.2022, under Section 174-A of the Indian Penal Code (for short ‘IPC’), registered at Police Station Panipat City, and all the consequent proceedings arising therefrom.

Learned counsel for the petitioner contends that the respondent no.2 has instituted a complaint under Section 138 of the Negotiable Instruments Act (for short ‘the Act’). During the course of proceedings, the petitioner was

declared a proclaimed person in terms of the order dated 21.12.2022 (Annexure P-1). The necessary intimation was also sent to the Police Station City Panipat to initiate proceedings against the petitioner under Section 174-A IPC. Consequently, the FIR (Annexure P-3) has been registered against the petitioner under Section 174-A IPC. At the earlier instance, the record of the case under Section 138 of the Act was consigned to the record room in terms of the order dated 23.12.2023 (Annexure P-2). Subsequently, an amicable settlement was effected between the parties. The respondent no.2 had instituted an application for withdrawal of the complaint. Consequently, in terms of the order dated 15.02.2023 (Annexure P-4), the complaint was dismissed as withdrawn on the statement made by the complainant to the effect that the matter has been settled with the petitioner and he does not want to proceed further with the complaint. As the dispute has been amicably settled between the parties, the complaint under Section 138 of the Act has been withdrawn, the proceedings initiated against the petitioner under Section 174-A IPC are liable to be quashed.

Notice of motion to respondent no.1 only.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana, accepts notice on behalf of respondent no.1.

The issuance of notice to the respondent no.2 is dispensed with in view of the amicable settlement between the petitioner and the respondent no.2 and further to avoid unnecessary delay in disposal of the matter.

Learned State counsel has contended that the case under Section 174-A IPC has been registered in pursuance of the directions issued by the learned trial Court.

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:-

*“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.”*

The dispute with regard to the dishonor of the cheque has been amicably settled between the parties and the complaint has been dismissed as withdrawn. Consequently, it shall be appropriate to quash the order vide which the petitioner has been declared proclaimed person and the FIR, which has been registered under Section 174-A IPC to put a quietus to the entire matter.

Keeping in view the aforesaid facts and circumstances emerging in the instant case and in the ends of justice, the petition is allowed and the order dated 21.12.2022 passed by the Court of learned Judicial Magistrate First Class, Panipat in Complaint No. NACT-990-2018 dated 02.05.2018 titled as “Mahindra & Mahindra Financial Services Ltd. vs. Suresh Kumar” vide which the petitioner has been declared proclaimed person and FIR bearing No. 1091, dated 21.12.2022, under Section 174-A IPC, registered at Police Station Panipat City, along with consequential proceedings is quashed.

**February 23, 2023**

*vk*

**(Vivek Puri)**  
**Judge**

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|----------------------------|--------|
| Whether reasoned/speaking: | Yes/No |
| Whether reportable :       | Yes/No |