



CRM-M-52147-2024

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

CRM-M-52147-2024

Date of Decision: 21.10.2024

Pardeep Kumar

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kushager Goyal, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition is for quashing of FIR No.223 dated 03.03.2023 registered under Section 174-A IPC, at Police Station Civil Lines Sirsa, District Sirsa arising out of complaint bearing NACT No.1049 of 2018 titled as Sukhmander Vs. Pardeep Kumar, under Section 138 of NI Act dated 07.08.2018 and quashing of order dated 05.04.2021, vide which the petitioner has been declared as proclaimed person as the substantive complaint itself stand settled amongst the parties.

2. Learned counsel for the petitioner has submitted that the petitioner was prosecuted in a complaint filed under Section 138 of the NI Act. He submits that lateron the matter has been amicably settled and the complaint has been withdrawn by the complainant vide order dated 01.02.2024. It is submitted that during the pendency of the complaint the petitioner was declared proclaimed person vide order dated 05.04.2021 (Annexure P-6) and the impugned FIR under Section 174-A IPC was registered against him. He further submits that once the main complaint itself stands withdrawn, prosecution of the petitioner in the impugned FIR



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registered under Section 174-A would be totally an abuse of the process of the law.

3. Notice of motion.

4. Mr. Sumit Jain, Addl. AG, Haryana, accepts notice on behalf of the State. He has submitted that the petitioner was rightly declared as proclaimed person, pursuant to which impugned FIR under Section 174-A of IPC was registered against the petitioner and the petitioner is liable to be prosecuted.

5. I have heard counsel for the parties and perused the record. It is apparent that the present FIR was registered due to non-appearance of the petitioner and he was declared as a proclaimed person vide order dated 05.04.2021. As submitted before this Court, the complaint also stands withdrawn.

6. 7. This Court time and again has held that when the proceedings under Section 138 of NI Act stand compromised, then the continuation of FIR and proceedings under Section 174-A of IPC on account of petitioner having been declared as proclaimed offender would be nothing but an abuse of the process of law. This view was taken by the coordinate Bench of this Court in a case titled as “**Ashok Madan vs. State of Haryana and another**” reported as 2020(4) RCR (Criminal) 87, “**Anil Kumar Versus Jitender Kumar and another**”, CRM-M-5878- 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.

7. So, keeping in view the above-said facts, it is clear that the FIR was registered on account of absence of the petitioner and the dispute

between the parties has been settled and the complaint has already been withdrawn. Continuation of the proceedings under Section 174-A of IPC shall be abuse of the process of the law. Keeping in view the law settled, the order dated 10.09.2021 (Annexure P-6) passed by the learned JMIC, Sirsa, whereby, the petitioner was declared Proclaimed Person along with subsequent proceedings arising out of the same including FIR No.223 dated 03.03.2023, under Section 174-A of IPC, at Police Station Civil Lines Sirsa, District Sirsa, are quashed. The petition stands allowed.

21.10.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No