



CRM-M-52924-2024

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

**CRM-M-52924-2024**

Date of Decision: 23.10.2024

Raghuvinder

..... Petitioner

Versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Pankaj Bali, Advocate, for the petitioner.

**Rajesh Bhardwaj, J. (Oral)**

1. Prayer in the present petition is for quashing of FIR No.498 dated 13.7.2022 registered under Section 174-A IPC, at Police Station Karnal Civil Lines, District Karnal as well as subsequent proceedings arising out from the said FIR.

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 He submits that thereafter, the petitioner satisfied the loan of the Bank and the complaint was withdrawn by the complainant-Bank vide order dated 11.10.2024. It is submitted that during the pendency of the complaint the petitioner was declared proclaimed person vide order dated 11.05.2022 (Annexure P-5) 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 He further submits that once the main complaint itself stands withdrawn, prosecution of the petitioner in the impugned FIR registered under Section 174-A would be nothing but an abuse of the process of the law.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 11.05.2022. As submitted before this Court, the complaint also stands withdrawn.

6. 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 11.05.2022 (Annexure P-5) passed by the learned JMIC, Karnal, whereby, the petitioner was declared Proclaimed Person along with subsequent proceedings arising out of the same including FIR No.498 dated 13.07.2022, under Section 174-A of IPC, at Police Station Karnal Civil Lines, District Karnal, are quashed. The petition stands allowed.

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|-------------------|---------------------------|---|--------------------------|
| <b>23.10.2024</b> |                           |   | <b>(RAJESH BHARDWAJ)</b> |
| sharmila          |                           |   | <b>JUDGE</b>             |
|                   | Whether Speaking/Reasoned | : | Yes/No                   |
|                   | Whether Reportable        | : | Yes/No                   |