



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

**CRM-M-60606-2024**

Date of Decision: 04.12.2024

Naveen Kumar

..... Petitioner

Versus

The State of Haryana

.....Respondent

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

Present: Mr. Abhinav Aggarwal, Advocate, for the petitioner.

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

1. Prayer in the present petition is for quashing of impugned order dated 23.08.2023 (Annexure P-1) passed by learned JMIC, Panipat, whereby, the present petitioner has been declared as proclaimed person in a complaint case No.NACT/208 of 2020 titled as HDFC Bank vs. Naveen Kumar, filed under Section 25 of the Payment and Settlement Systems Act, 2007 and all the other subsequent/consequent proceedings including impugned FIR No.1222 dated 28.08.2023 registered under Section 174-A IPC, at Police Station Panipat City.

2. Learned counsel for the petitioner has submitted that the petitioner was prosecuted in a complaint case as mentioned above, however, during the pendency of the same, the petitioner was declared as proclaimed person vide order dated 23.08.2023 and the impugned FIR under Section 174-A IPC was registered against him. At the outset, he submits that both the sides have compromised their dispute and on the basis of the same, the complaint has been withdrawn vide order dated 10.07.2024. He further submits that once the main complaint itself stands withdrawn, prosecution of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. Tanuj Sharma, AAG, Haryana accepts notice on behalf of the State. He has submitted that the petitioner was rightly declared as proclaimed person, pursuant to which he has been prosecuted in the FIR registered under Section 174-A IPC.

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 as he was declared as a proclaimed person vide order dated 23.08.2023. As submitted before this Court, the main complaint itself stands withdrawn.

6. This Court time and again has held that when the main case already stands disposed of, then the continuation of FIR and proceedings under Section 174-A of IPC on account of petitioner having been declared as proclaimed person would be nothing but an abuse of the process of law.

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 root cause of controversy i.e. 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 as the main controversy has been finished in view of the settlement effected between the parties. Keeping in view the law settled, FIR No.1222 dated 28.08.2023 registered under Section 174-A IPC, at Police Station Panipat City including the order dated 23.08.2023 passed by the learned JMIC,



Panipat, on the basis of which, the present FIR was lodged, are quashed.

8. The petition stands disposed of.

04.12.2024  
sharmila

Whether Speaking/Reasoned  
Whether Reportable

(RAJESH BHARDWAJ)  
JUDGE

: Yes/No  
: Yes/No