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

CRM-M-56943-2024

Date of decision : 14.11.2024

**Rajpal****.....Petitioner****versus****State of Haryana and another****.....Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Kapil Gupta, Advocate  
for the petitioner.

**RAJESH BHARDWAJ, J. (Oral)**

1. Prayer in the present petition is for quashing of FIR No.378 dated 29.08.2022 under Sections 174-A IPC, 1860 registered at Police Station Pehowa, District Kurukshetra and all its subsequent proceedings since the said FIR was registered without following the mandate of Section 195 of Cr.P.C. though the main complaint under Section 138 & 142 of the NI Act bearing NACT No.129 of 2018 has already been withdrawn being fully satisfied vide order dated 07.10.2022 and the Ld. SDJM, Pehowa further went on to wrongly issue the arrest of warrants against the petitioner vide order dated 21.10.2024. Further prayer has been made for staying the present quashing petition, arrest warrants and further proceedings arising out of the same FIR.

2. It has been submitted by learned counsel for the petitioner that the petitioner was prosecuted by respondent No.2 in the complaint filed under Section 138 of the Negotiable Instruments Act read with Section 142



of NI Act. He submits that during the pendency of this complaint, the petitioner was illegally declared as proclaimed person vide order dated 17.08.2022 passed by the Court of Sub Divisional Judicial Magistrate, Pehowa and the impugned FIR was registered against him. He submits that now both the sides have amicably resolved the issue and the complaint filed has been compromised. He submits that on the basis of the compromise, this complaint has been dismissed as withdrawn vide order dated 07.10.2022. He further submits that once the main complaint filed by the complainant has been withdrawn on the basis of the compromise, prosecution of the petitioner in the impugned FIR registered under Section 174-A IPC would be totally an abuse of the process of the Court.

3. Notice of motion.

4. On the asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana, accepts notice on behalf of the respondent-State.

5. Learned State counsel on the other hand contends that the petitioner was rightly declared as a proclaimed person, pursuant to which FIR No.378 dated 29.08.2022 under Sections 174-A IPC, 1860 was registered at Police Station Pehowa, District Kurukshetra Haryana registered against the petitioner and the petitioner is liable to be prosecuted in the said case, as he had failed to appear in the Court despite orders.

6. 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 in a complaint case filed under Section 138 of NI Act and he was declared as a proclaimed person in the proceedings under the Negotiable Instruments Act. Ultimately, the matter was settled between the parties and the complainant withdrew his complaint on 07.10.2022.



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.

8. 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 21.10.2024 passed by the learned SDJM, Pehowa, whereby, warrants of arrest were issued against the petitioner along with subsequent proceedings arising out of the same including FIR No.378 dated 29.08.2022 under Sections 174-A IPC, 1860 registered at Police Station Pehowa, District Kurukshetra Haryana, are quashed. The petition stands disposed of.

14.11.2024

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(RAJESH BHARDWAJ )  
JUDGE

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