



137 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64143-2024

Date of decision : 19.12.2024

Manbir Singh @ Manvir Singh

.....Petitioner

versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Kawalpreet Singh Virk, Advocate for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of order dated 12.10.2022 (Annexure P-3) passed by the learned Judicial Magistrate Ist Class, Sirsa whereby the petitioner was declared Proclaimed Person in a criminal complaint No.NACT/1133/2020 dated 22.12.2020 under Section 138 of Negotiable Instruments Act, 1881 titled as '**Sandeep Kumar Vs. Manbir Singh**' as well as FIR No.346, dated 03.11.2022, under Section 174-A of Indian Penal Code, 1860, registered at Police Station Nathu Sarai Chopta, District Sirsa (Annexure P-4) and all the subsequent proceeding emanating therefrom against the petitioner.

2. It has been submitted by learned counsel for the petitioner that the petitioner was prosecuted in the complaint filed under Section 138 of the Negotiable Instruments Act. He has submitted that during the pendency of the trial, the petitioner was declared as proclaimed offender vide impugned order dated 12.10.2022 passed by the learned Judicial Magistrate Ist Class, Sirsa and the impugned FIR bearing No.346, dated 03.11.2022 under Section 174-A IPC, was registered against the petitioner. He has further submitted that thereafter the petitioner and the complainant have amicably resolved the issues and thus entered into the compromise. He has submitted that thus on the basis of compromise, the complaint filed was dismissed as withdrawn



vide order dated 26.11.2022. He has submitted that as the main complaint filed by the complainant under Section 138 of the Negotiable Instruments Act was dismissed as withdrawn vide order dated 26.11.2022, declaration of the petitioner as proclaimed offender vide impugned order dated 12.10.2022 and the impugned FIR registered under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. Tanuj Sharma, A.A.G., Haryana accepts notice on behalf of respondent No.1-State. At this stage, Ms. Payal Sharma, Advocate has put in appearance and filed his Vakalatnama on behalf of respondent No.2. She has also affirmed the factum of compromise between the parties.

5. Learned State counsel on the other hand contends that the petitioner was rightly declared as a proclaimed offender and pursuant to which FIR No.346 dated 03.11.2022, under Section 174-A of IPC, at Police Station Nathu Sarai Chopta, District Sirsa was 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.

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 and the law settled, continuation of the proceedings under Section 174-A of IPC shall be abuse of the process of the Court. Consequently, the present petition is disposed of and impugned order dated 12.10.2022 passed in Complaint Case bearing NACT/1133/2020 dated 22.12.2020 whereby the petitioner was declared as Proclaimed Person by the learned Judicial Magistrate Ist Class, Sirsa along with all subsequent proceedings arising out of the same including the impugned FIR No.346, dated 03.11.2022, under Section 174-A of IPC, 1860, registered at Police Station Nathu Sarai Chopta, District Sirsa, are hereby quashed.

9. Disposed of.

19.12.2024

ps-I

(**RAJESH BHARDWAJ**)
JUDGE

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