



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

CRM-M-64481-2024

Date of decision : 19.12.2024

M/s Shankhnaad Enterprises and another

.....Petitioners

versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Digvijay Lambraa, Advocate for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of FIR No.457 dated 16.06.2021 under Section 174-A of IPC registered at Police Station City Karnal, District Karnal as well as quashing of order dated 22.03.2021 (Annexure P-2) passed by the learned Judicial Magistrate Ist Class, Faridabad whereby the petitioner was declared Proclaimed Person in a case bearing No.NACT/1655/2019 dated 06.05.2019 and all other consequential proceeding arising therefrom.

2. It has been submitted by learned counsel for the petitioners 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 person vide impugned order dated 22.03.2021 passed by the learned Judicial Magistrate Ist Class, Faridabad and the impugned FIR bearing No.457 dated 16.06.2021 was registered against the petitioner. He has further submitted that thereafter the petitioners and the complainant amicably resolved the issues and thus entered into the compromise. He has submitted that on the basis of compromise, the complaint filed was dismissed as withdrawn vide order dated 06.11.2024. 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dismissed as withdrawn vide order dated 06.11.2024, declaration of the petitioner as proclaimed person vide impugned order dated 22.03.2021 and the impugned FIR registered under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, Mr. Rishi Pal Chaudhary, Advocate has put in appearance and filed his Vakalatnama on behalf of respondent No.2. He 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.457 dated 16.06.2021, under Section 174-A of IPC, at Police Station City Karnal, District Karnal 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 22.03.2021 passed in Complaint Case bearing No. NACT/1655/2019 dated 16.05.2019 whereby the petitioner was declared as Proclaimed Person by the learned Judicial Magistrate Ist Class, Faridabad along with all subsequent proceedings arising out of the same including the impugned FIR No.457 dated 16.06.2021 under Section 174-A of IPC, 1860, registered at Police Station City Karnal, District Karnal, are hereby quashed.

9. Disposed of.

19.12.2024

ps-I

(RAJESH BHARDWAJ)
JUDGE

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