



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

CRM-M-703-2025

Date of decision: 10.01.2025

Sumit Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Mohan Singh Chauhan, Advocate
for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition under Section 528 of BNSS 2023 is filed by the petitioner seeking quashing of order dated 17.08.2023 Annexure P-1 vide which the petitioner was declared as proclaimed person in criminal complaint NIA/30/2021 titled Surjit Kaur Vs. Sumit Kumar under Section 138 of NI Act and FIR No.127 dated 06.11.2023 (Annexure P-2), registered under Section 174-A IPC, at Police Station Phase-XI, SAS Nagar, Mohali.

2. The counsel for the petitioner inter alia submits that impugned order Annexure P-1 and FIR Annexure P-2 are off shoot of aforesaid criminal complaint filed by one Surjit Kaur against the present petitioner under Section 138 NI Act. It is further submitted that after the passing of order Annexure P-1, the petitioner surrendered before the trial Court and was granted regular bail and on the same very day, the aforesaid criminal complaint was dismissed as withdrawn, as the matter was compromise between the parties and the copy of the concerned order is Annexure P-4.



3. Notice of motion.

4. Mr. Inderjeet Singh Ladher, DAG, Punjab, accepts notice on behalf of the State and submits that the present petition be disposed of in accordance with law.

5. From the perusal of Annexure P-4, it is clear that after passing of order Annexure P-1, petitioner was granted regular bail and further complainant made statement to the effect that matter has been compromised between the parties and on the basis of the said statement the criminal complaint filed by Surjit Kaur against the petitioner under Section 138 NI Act was dismissed as withdrawn. Undoubtedly, order Annexure P-1 and FIR Annexure P-2 are arising out of the aforesaid criminal complaint which stands dismissed as withdrawn. In the given circumstances, impugned order Annexure P-1 has become redundant. This Court is also of the view that continuation of prosecution of the petitioner on the basis of FIR Annexure P-2 will amount to abuse of the process of Court and that of law also.

6. For the foregoing reasons, the present petition is allowed and order dated 17.08.2023 Annexure P-1 and FIR No.127 dated 06.11.2023 (Annexure P-2) are hereby quashed.

10.01.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**