



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

135

CRM-M-2124-2025

Date of decision: 16.01.2025

Kavita Rani

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Akash Deep Singh, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.350 dated 14.04.2023 under Section 174-A of the IPC registered at Police Station Civil Lines, Sirsa, along with all consequential proceedings arising therefrom, and order dated 01.04.2023 (Annexure P-2) passed by learned Chief Judicial Magistrate, Sirsa whereby the petitioner has been declared a proclaimed person in NACT-1021-2022 titled as 'Karam Chand Vs. Kavita Rani', under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act'), in view of the complaint in question having been dismissed as withdrawn vide order dated 20.09.2024 (Annexure P-4).

2. Learned counsel for the petitioner has primarily prayed for setting aside of the impugned order on the ground that the petitioner was never served either with the summons or warrants issued by the Trial Court in the complaint instituted under Section 138 of the NI Act.



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Learned counsel, therefore, submits that absence of the petitioner was thus, not intentional as he was unaware about the pendency of the complaint instituted against her under Section 138 of the NI Act and still further, even the proclamation was never served upon him as per the provisions of Section 82 Cr.P.C. Learned counsel has vehemently contended that as soon as the petitioner learnt about the pendency of the complaint in question, she immediately made the payment of the cheque amount to the complainant and compromised the matter with him. Resultantly, the complaint instituted under Section 138 of the NI Act by the complainant, was withdrawn by him on 20.09.2024. In support, he has drawn the attention of this Court to Annexure P-4 wherein the said fact stands reflected. A prayer therefore, has been made that in the aforementioned facts and circumstances, no purpose would be served by prosecuting the petitioner under Section 174-A IPC, more so, when she was not involved in any other criminal case much less under Section 138 of the NI Act nor had he been declared a proclaimed person prior thereto in any other case.

3. Notice of motion.

4. On asking of the Court, Mr. Rahul Mohan, Sr. DAG, Haryana, accepts notice on behalf of respondent No.1-State.

5. Mr. T.P.S. Bawa, Advocate has entered appearance and filed his vakalatnama on behalf of respondent No.2 which is taken on record. He does not dispute the submissions made by the counsel opposite and does not oppose quashing of the FIR in question under Section 174-A of the IPC as the matter in the complaint case stood



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compromised between the parties.

6. Learned State counsel has opposed the prayer made by the counsel opposite and contended that it was evident that the petitioners had intentionally not appeared during the proceedings before the Court below and hence, the prayer of the petitioner deserved to be declined.

7. Heard learned counsel for the parties and perused the relevant material on record.

8. The petitioner was declared a proclaimed person vide impugned order in a complaint case under Section 138 of the NI Act. Admittedly, the said complaint was withdrawn after the parties arrived at a compromise. Furthermore, the petitioner is neither involved in any other criminal case nor was she declared a proclaimed person any time prior thereto. Hence, the continuation of criminal proceedings under Section 174-A IPC would serve no useful purpose.

9. Accordingly, the present petition is allowed and the impugned order dated 01.04.2023 declaring the petitioner as proclaimed person as well as FIR registered under Section 174-A IPC and consequential proceedings arising therefrom are set aside.

16.01.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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