

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

121

CRM-M-3186-2025
DATE OF DECISION: 24.01.2025

DAVENDER CHAWLA ALIAS DAVINDER SINGH CHAWLA AND
ANR

...PETITIONERS

Versus

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Dipanshu Kapur, Advocate for
Mr. Himanshu Bansal, Advocate for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 482 Cr.P.C. for setting-aside the impugned Proclamation Order dated 17.08.2023 Annexure P/6 issued against the petitioner & Order dated 03.10.2023 Annexure P/9 passed by Judicial Magistrate 1st Class, Hisar, wrongly declaring the petitioner a Proclaimed Person in Complaint Case No. NACT/709/2017, dated 28.04.2017 Annexure P/1, under Section 138 of Negotiable Instrument Act, 1881, without any service of summons and warrants and further quashing of FIR No. 0770, dated 16.10.2023, U/s 174-A IPC, 1860 registered at P.S. Urban Estate Hisar, District Hisar, Haryana vide Annexure P/10, as well as all other subsequent proceedings arising thereof qua the petitioner.



2. Learned counsel for the petitioner states that the main Complaint dated 28.04.2017 (Annexure P/1) titled ‘Charan Singh Vs. Davender Chawla’, has finally stands dismissed as withdrawn vide Order dated 19.11.2024 Annexure P/13 as an amicable settlement has already been arrived at between the parties and they have compromised the matter, thus no cause of action survive against the present petitioner in the said complaint.

3. Notice of motion.

4. Learned State Counsel accepts notice on behalf of respondent/State and admits the factum of compromise.

5. Heard, learned counsel for respective parties.

6. Since the main complaint has been dismissed as withdrawn, and the offence between the petitioner and complainant is personal in nature not against the society at large, who have resolved their dispute, no fruitful purpose would be served by continuing the proceedings in the above mentioned FIR.

7. In view of the above, the continuation of proceedings in the instant FIR would tantamount to nothing else, but an abuse of process of law, which will finally be turned to a futile exercise.

8. In view of the submissions made by learned counsel for the petitioner that since the main complaint stands withdrawn therefore, continuation of proceedings under Section 174-A of IPC would be an abuse of process of law. Also, this principle has been laid down in several dictums of this Court. In this regard reliance can be placed upon the orders dated 20.07.2022 and 24.08.2022 respectively, passed by a coordinate Bench of this Court in CRM-M-46062-2017, titled as “*Jatin*

Dhawan and another versus State of Haryana and another” and CRM-



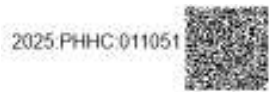
M-12534-2022, titled as “**Krishan Kumar versus State of Haryana and another**”, respectively wherein it has been held that once the main case is dismissed as withdrawn, the continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.

9. Further reliance can be placed upon the orders of this Court dated 12.12.2022 and 13.12.2022 passed in CRM-M-55634-2022 titled as “**Jinder Singh Vs. State of Punjab and another**” and CRM-M-45051-2022 titled as “**Hari Singh Meena Vs. State of Haryana**”, respectively in this regard.

10. Another Co-ordinate Bench of this Court in a case titled as “**Ashok Madan vs. State of Haryana and another**” reported as 2020 (4) RCR (Criminal) 87 has also held as under:-

“No doubt, the learned counsel for the respondent has vehemently argued that the offence under Section 174-A I.P.C. is independent of the main case, therefore, merely because the main case has been dismissed for want of prosecution, the present petition cannot be allowed, however, keeping in view the fact that the present FIR was registered only on account of absence from the proceedings in the main case which had been subsequently regularised by the court while granting bail to the petitioner, the default stood condoned. In such circumstances, continuation of proceedings under Section 174-A I.P.C. shall be abuse of the process of court. Accordingly, the petition is allowed. FIR No.446 dated 21.08.2017, registered under Section 174-A I.P.C. At Police Station Kotwali, District Faridabad, as well as consequential proceedings shall stand quashed.”

11. A perusal of the relevant extract of the above judgment would show that where the main case was dismissed for want of prosecution, it was observed that the continuation of proceedings under Section 174-A of the IPC shall be an abuse of the process of court.



12. Keeping in view the above-said facts and circumstances, the present petition is allowed the impugned Proclamation Order dated 17.08.2023 Annexure P/6 issued against the petitioner & Order dated 03.10.2023 Annexure P/9 passed by Judicial Magistrate 1st Class, Hisar, declaring the petitioner a Proclaimed Person in Complaint Case No. NACT/709/2017, dated 28.04.2017 Annexure P/1, under Section 138 of Negotiable Instrument Act, 1881, and FIR No. 0770, dated 16.10.2023, U/s 174-A IPC, 1860 registered at P.S. Urban Estate Hisar, District Hisar, Haryana are hereby quahsed qua the petitioners.

(SANDEEP MOUDGIL)
JUDGE

24.01.2025
anuradha

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