

2025:PHHC:025838



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

**284**

**CRM M-6282 of 2023  
Date of Decision: 17.02.2025**

Tirlochan Singh

...Petitioner

Vs.

M/s Lamba Iron and Mill Store

...Respondent

**CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT**

Present : Mr. Deepak Aggarwal, Advocate, for the petitioner.

Mr. Mayank, Advocate for  
Ms. Renu Bala, Advocate, for the respondent.

**N.S.SHEKHAWAT, J. (Oral)**

1. The petitioner has filed the present petition under Section 482 of Cr.P.C. with a prayer to quash the order dated 21.12.2022 (Annexure P-5) passed by the Judicial Magistrate 1<sup>st</sup> Class, Ludhiana, passed in COMA No. 1537 of 31.07.2018 titled as “**M/s Lamba Iron and Mill Store Vs. Trilochan Singh**”, whereby, the petitioner has been declared as a proclaimed person and all subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner contends that a complaint (Annexure P-1) under Section 138 of the Negotiable Instruments Act 1881 (hereinafter to be referred as '**the Act**') was filed by the respondent against the present petitioner. Vide the

summoning order dated 18.02.2019 (Annexure P-2), the petitioner was summoned to face trial under Section 138 of the Act. After the issuance of summons/warrants, the petitioner was never served and the summons/warrants were received back by the Court unexecuted. Still, the proclamation was issued against the present petitioner and vide the impugned order dated 21.12.2022 (Annexure P-5), the petitioner was declared as a proclaimed person in the complaint case. Learned counsel for the petitioner contends that the respondent had compromised the main complaint with the present petitioner and consequently on 12.02.2024, the respondent/complainant appeared before the trial Court-cum-Lok Adalat, Ambala and made a statement that she had received the full and final amount from the accused and she had withdrawn the main complaint under Section 138 of the Act. Thus, the petitioner was declared as proclaimed person, only for the purpose of procuring the presence of the petitioner during the course of trial and when the complaint itself stands withdrawn, no purpose will be served by continuing the proceedings in pursuance of the order dated 21.12.2022 (Annexure P-5). Thus, the impugned order dated 21.12.2022 (Annexure P-5) is liable to be quashed by this Court.

3. Learned counsel for the complainant does not dispute the factual submissions made by learned counsel for the petitioner.

4. I have heard learned counsel for the parties and perused the record.

5. A co-ordinate Bench of this Court in **CRM-M-43813-2018** titled as “**Baldev Chand Bansal vs. State of Haryana and another**”, decided on 29.01.2019 has held as under:-

*“Prayer in this petition is for quashing of FIR No.64 dated 15.02.2017 filed under Section 174-A of the Indian Penal Code registered at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof as well as order dated 24.10.2016 passed by the trial Court vide which a direction was issued to register the aforesaid FIR.*

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*Learned counsel for the petitioner has relied upon the decisions rendered by this Court in “ **Vikas Sharma vs. Gurpreet Singh Kohli and another (supra)**, 2017, (3) L.A.R.584, **Microqual Techno Limited and others Vs. State of Haryana and another**, 2015 (32) RCR (Crl.) 790 and “**Rajneesh Khanna Vs. State of Haryana and another**” 2017(3) L.A.R. 555 wherein in an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the process of law.*

xxx xxx xxx

*In view of the same, I find merit in the present petition and accordingly, present petition is allowed and the impugned order dated 24.10.2016 passed by Judicial Magistrate, 1<sup>st</sup> Class, Panchkula as well as FIR No.64 dated 15.02.2017 registered under Section 174-A of the Indian Penal Code at Police Station Sector-5, Panchkula*

*and all other subsequent proceedings arising thereof, are hereby quashed.”*

6. A perusal of the above judgment would show that in a similar case where the FIR had been registered under Section 174-A IPC in view of the order passed in proceedings under Section 138 of the Act, while declaring the petitioner therein as a proclaimed offender, a co-ordinate Bench after relying upon various judgments observed that once the main petition under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, the continuation of proceedings under Section 174-A IPC is nothing but an abuse of the process of law. The said aspect was one of the main considerations for allowing the petition and setting aside the order declaring the petitioner therein as a proclaimed person as well as quashing of the FIR under Section 174-A IPC.

7. 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 174A 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 174A I.P.C. shall be abuse of the process of court.*

*7. Accordingly, the petition is allowed. FIR No.446 dated 21.08.2017, registered under Section 174A I.P.C. At Police Station Kotwali, District Faridabad, as well as consequential proceedings shall stand quashed.”*

8. In the present case also, the main case has already been withdrawn by the complainant. Consequently, the continuation of the the proceedings arising out of order dated 21.12.2022 (Annexure P-5) would be an abuse of process of the Court. Similar observations have been made by this Court in the matter of **“Anil Kumar Versus Jitender Kumar and another, CRM-M- 5878-2022 decided on 06.04.2022”, “Anil Kumar Versus Jitender Kumar and another, CRM-M-5755-2022 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”.**

11. In view of the above, the present petition is allowed and the order dated 21.12.2022 (Annexure P-5) passed by the Judicial Magistrate 1<sup>st</sup> Class, Ambala alongwith all subsequent proceedings arising therefrom are hereby ordered to be quashed qua the petitioner.

17.02.2025

( N.S.SHEKHAWAT)

amit rana

JUDGE

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