



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

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**CRM-M-6466-2025
Decided on : 04.02.2025**

Chandra Prakash Kushwaha

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Pardeep Panwar, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. Prayer in this petition, filed under Section 528 of BNSS, 2023, is for quashing/setting aside of order dated 29.11.2022 (Annexure P-1), passed by learned JMFC, Gurugram, in a Complaint Case filed under Section 138 of the Negotiable Instruments Act, 1881 (in short, 'NI Act') bearing case No.NACT/4351/2018, titled as, "M/s India Infoline Housing Finance Ltd. V. Chandra Prakash Kushwaha", vide which, petitioner was declared proclaimed person, and further seeking quashing of FIR No.2281, dated 17.12.2022, under Section 174-A of IPC, registered at Police Station Shivaji Nagar, District Gurugram (Annexure P-2), as well as all consequential proceedings arising therefrom.

2. At the outset, learned counsel for the petitioner while referring to the order dated 16.01.2025 (Annexure P-4) passed by learned Judicial Magistrate First Class, Presiding Officer as Daily Lok Adalat, Gurugram, submits that main case i.e. criminal complaint under Section 138 of NI Act, has already been withdrawn by the complainant by giving statement before the Court below, which also reflects from the order dated 16.01.2025

(Annexure P-4).

3. Learned counsel for the petitioner further submits that declaration of the petitioner as proclaimed offender, and thereafter, registration of FIR No.2281, dated 17.12.2022 under Section 174-A of IPC, would not be considered as material proceeding, once main offence from which such proceedings emerged, has already been withdrawn on the statement of the complainant. In support of the contention, learned counsel relies upon judgment of the co-ordinate Bench of this Court rendered in **CRM-M-47657-2022**, titled as, “**Randhir Singh Tyagi v. State of Haryana and another**”, decided on **17.10.2022**.

4. Notice of motion.

5. On asking of the Court, Mr. Kanwar Sanjiv Kumar, AAG, Haryana, who is present in Court, accepts notice on behalf of respondent No.1 – State. Copy of the paper book has already been supplied to him.

6. In view of the settled proposition of law, wherein, several other similar matters have already been decided by this Court, learned State counsel has no serious and authentic submissions before this Court to oppose the prayer made in present petition.

7. Heard.

8. Under these circumstances, once the proceedings under Section 138 of NI Act stands withdrawn on the basis of compromise, continuation of the instant FIR under Section 174-A of IPC is nothing but an abuse of process of law. In this regard reliance can be placed upon judgment rendered by this Court in the case of ***Microqual Techno Limited and others v. State of Haryana and another-2015(32) RCR (Criminal) 790***, which has also been followed in **CRM-M-47891-2021**, titled as, “***Jitender Singh v. State***

of Haryana and another”, decided on *16.11.2021*, and the order dated *05.09.2022*, passed by this Court in *CRM-M-34291-2022*, titled as, “*Pankaj Sharma Vs. State of Haryana and another*”.

9. Accordingly, instant petition is allowed. Order dated 29.11.2022 (Annexure P-1) declaring the petitioner as proclaimed offender, and all consequential proceedings arising therefrom including FIR No.2281, dated 17.12.2022, under Section 174-A of IPC, registered at Police Station Shivaji Nagar, District Gurugram (Annexure P-2), as well as all consequential proceedings arising therefrom, stand quashed *qua* the petitioner.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 04, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*