



CRM-M-6841-2025

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

CRM-M-6841-2025

Date of Decision: 06.02.2025

Anil Kumar

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Durgesh Barana, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition is for quashing of FIR No.672 dated 27.11.2023 registered under Section 174-A IPC, at Police Station Sector-32-33, Karnal and order dated 06.09.2023 (Annexure P-1) passed by learned JMIC, Karnal, vide which the petitioner has been declared proclaimed person in NACT No.1145 of 2021 dated 16.04.2021 titled as Shubham Mittal vs. Anil Kumar, under Section 138 of the Negotiable Instruments Act, 1881.

2. Learned counsel for the petitioner has submitted that the petitioner was prosecuted in a complaint filed under Section 138 of the NI Act, however, during the pendency of the same, the petitioner was declared as proclaimed person due to his absence and the impugned FIR under Section 174-A IPC was registered against him. He submits that even otherwise both the sides have compromised their dispute before the National Lok Adalat and on the basis of the same, the complaint has been withdrawn vide order dated 14.12.2024. He submits that as is evident from the order dated 14.12.2024 passed by learned Presiding Officer National Lok Adalat-cum- JMIC, Karnal, the complaint itself has withdrawn in view of statement



suffered by the complainant admitting the factum of compromise effected between the parties. He further submits that once the main complaint itself stands withdrawn, prosecution of the petitioner in the impugned FIR registered under Section 174-A would be nothing but an abuse of the process of the law.

3. Notice of motion.

4. Mr. Sumit Jain, Addl. AG, Haryana, accepts notice on behalf of the State. He has submitted that the petitioner was rightly declared as proclaimed person, pursuant to which FIR registered was registered against him under Section 174-A IPC.

5. I have heard counsel for the parties and perused the record. It is apparent that the present FIR was registered due to non-appearance of the petitioner as he was declared as a proclaimed person vide order dated 06.09.2023. As submitted before this Court, the main complaint itself stands withdrawn.

6. This Court time and again has held that when the main proceedings under Section 138 of NI Act stand compromised, then the continuation of FIR and proceedings under Section 174-A of IPC on account of petitioner having been declared as proclaimed person would be nothing but an abuse of the process of law. This view was taken by the coordinate Bench of this Court in a case titled as “**Ashok Madan vs. State of Haryana and another**” reported as 2020(4) RCR (Criminal) 87, “**Anil Kumar Versus Jitender Kumar and another**”, CRM-M-5878- 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.

7. So, keeping in view the above-said facts, it is clear that due to his absence, the petitioner was declared as proclaimed person and thereafter, FIR was registered. The dispute between the parties has been settled and the root cause of controversy i.e. the complaint has already been withdrawn. Continuation of the proceedings under Section 174-A of IPC shall be abuse of the process of the law as the main dispute has already been restored in view of the settlement effected between the parties. Keeping in view the law settled, FIR No.672 dated 27.11.2023 registered under Section 174-A IPC, at Police Station Sector-32-33, Karnal including the order dated 06.09.2023 passed by the learned JMIC, Karnal, on the basis of which, the present FIR was lodged, are quashed subject to payment of Rs.10,000/- as cost to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner within a period of ten days from today. The petitioner is directed to file the receipt regarding deposit the cost before the Court of learned JMIC, Karnal within a period of 20 days from today.
8. Needles to say that in case the petitioner fails to pay the cost and comply with the aforesaid direction, order under challenge dated 06.09.2023 would come in force and the present petition would be deemed to have been dismissed.
9. The petition stands disposed of. Copy of this order be sent to the concerned Court forthwith.

06.02.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

:

Yes/No

Whether Reportable

:

Yes/No