

2025:PHHC:075818



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28097-2025
DECIDED ON: 22.05.2025

RADHIKA CHANANA

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sidhant Vermani, Advocate,
Mr. Beleena Biju, Advocate,
Mr. Pranay Chitale, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. This is a petition under Section 482 of Cr.P.C., seeking quashing of the FIR No. 0033 dated 07.01.2020, under Section 174-A of IPC (Annexure P-1), registered at Police Station Panipat City, District Panipat, Haryana arising out of the complaint bearing No. NACT-2331-2017 dated 07.09.2017 under Section 138 of NI Act, 1881.

2. Learned counsel for the petitioner states that the main complaint bearing NACT-2331-2017 titled as *M/s. Madhur Trading & Co. vs. Amira Pure Foods Pvt. Ltd. & Ors. Dated 07.09.2017*, under Section 138 of Negotiable Instruments Act, in pursuance of which the petitioner was declared proclaimed offender leading to registration of the FIR No. 0033 dated 07.01.2020, under

Section 174-A of IPC (Annexure P-1), stands quashed by this court in CRM-M-6962-2023 vide order dated 31.01.2024 (Annexure P-2).

3. Learned counsel for the petitioner further submits that order declaring him PO as well as the FIR is bad in law on account of the fact that the petitioner was never served, as there is no evidence with regard to the service upon the petitioner in the complaint under Section 138 of Negotiable Instruments Act as she was residing at Dubai when the present complaint was lodged.

4. He places reliance upon judicial dictum rendered in the case of ***Jaskaran Singh Vs. State of Punjab, 2022 SCC Online P&H 3214*** to support his arguments that if the main dispute has been resolved amicably between the parties, the continuation of proceedings under Section 174-A IPC may be deemed an abuse of the process of law.

5. Notice of motion.

6. Mr. Chetan Sharma, DAG Haryana accepts notice on behalf of respondent/State and does not controvert the above-said fact.

7. Heard, learned counsel for respective parties.

8. Since the main complaint has been quashed by this court vide order dated 31.01.2024 passed in “***CRM-M-6962-2023 titled as Radhika Chanan vs. State of Haryana***” and the petitioner was declared PO in sheer violation of section 82 Cr.P.C (Now 84 BNSS,2023), no fruitful purpose would be served by continuing the proceedings in the instant FIR No. 0033 dated 07.01.2020, under Section 174-A of IPC (Annexure P-1) registered at Police Station Panipat city, District Panipat, Haryana

9. This Court is convinced on perusal of the pleadings and the submissions made by learned counsel for the petitioner that the petitioner was never served with the summoning orders or any bailable/non-bailable warrants at

any stage during the course of trial, 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.

10. In view of the submissions made by learned counsel for the petitioner that the main complaint stands quashed, continuation of proceedings under Section 174-A of IPC would be abuse of process of law. Also, this principle has been laid down in several dictums of this Court and 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, the continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.

11. 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.

12. 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.”

13. Once the main complaint bearing No. NACT-2331-2017 dated 07.09.2017 stands quashed by this court on 31.01.2024 passed in “**CRM-M-6962-2023 titled as Radhika Chanan vs. State of Haryana**” and order declaring the accused-petitioner as proclaimed person was passed in utter violation of the procedure laid down under Section 82 Cr.P.C (Now 84 BNSS,2023), no useful purpose would be served by continuing the proceedings under Section 174-A IPC, once there was no occasion for the Court to declare him PO.

14. Keeping in view the above-said facts and circumstances, the present petition is allowed and the FIR No. 0033 dated 07.01.2020, under Section 174-A of IPC (Annexure P-1), registered at Police Station Panipat city, District Panipat, Haryana alongwith all consequential proceedings arising therefrom, is hereby quashed qua the petitioner.

(SANDEEP MOUDGIL)
JUDGE

22.05.2025

Meenu

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