



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

CRM-M-7350-2025  
Date of decision: 11.02.2025

Varun Jain

...Petitioner

Versus

M/s Dhruva and Company

...Respondent

**CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Vipul Goel, Advocate for the petitioner.

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**KARAMJIT SINGH, J. (ORAL)**

1. The present petition has been filed by petitioner seeking quashing of order dated 05.07.2024 (Annexure P-3) passed by the Court of Judicial Magistrate, Ist Class, Ludhiana in a criminal complaint No. COMI/6289/2019 titled as M/s Dhruv and Company Vs. Venus Garments Ltd. and others (Annexure P-1) under Section 138 of Negotiable Instruments Act whereby the petitioner was declared as proclaimed person in the aforesaid criminal complaint.

2. The counsel for the petitioner submits that after the passing of the impugned order (Annexure P-3), the petitioner effected compromise with complainant/respondent and on the basis of the said compromise, the criminal complaint Annexure P-1 was withdrawn by complainant against the petitioner vide order dated 09.12.2024 (Annexure P-6). The counsel for the petitioner further submits that in view of the order (Annexure P-6), as the main criminal complaint Annexure P-1 is already withdrawn, impugned order Annexure P-3 is not sustainable and deserves to be set aside.



3. Admittedly, impugned order dated 05.07.2024 (Annexure P-3) whereby the petitioner has been declared as proclaimed person had arisen out of criminal complaint Annexure P-1 filed by respondent against the petitioner under Section 138 NI Act. It is evident that subsequently, matter was compromised between the parties during mediation proceedings and the concerned settlement agreement is Annexure P-4. It is also apparent that on the basis of said compromise, criminal complaint Annexure P-1 was dismissed as withdrawn vide order dated 09.12.2024 Annexure P-6 passed by the Court of Judicial Magistrate Ist Class, Ludhiana. It being so, the impugned order dated 05.07.2024 (Annexure P-3) is not sustainable in the eyes of law and even otherwise continuation of Annexure P-3 will amount to abuse of the process of Court and that of law as well.

4. In light of the above, the present petition is hereby allowed and impugned order dated 05.07.2024 (Annexure P-3) and all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

**11.02.2025**

*Yogesh*

**(KARAMJIT SINGH)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**