



CRM-M-9716-2025

-1-

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

CRM-M-9716-2025 (O&M)

Date of Decision: 21.02.2025

Ashwani Kumar Chawla @ Ashwani Chawla Petitioner

Versus

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Keshav Pratap Singh, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition is for quashing the FIR No.250 dated 30.07.2023 (Annexure P-9) registered under Section 174-A IPC, registered at Police Station Sector 31, Faridabad, District Faridabad in complaint NACT No.4931 dated 28.10.2015, under Section 138 of Negotiable Instruments Act, 1881 (for short, 'the NI Act), at Police Station Faridabad, District Faridabad and all other subsequent proceedings arising therefrom on the basis of the compromise.

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that even otherwise both the sides have compromised their dispute and on the basis of same, the complaint has been withdrawn vide order dated 04.02.2025. He submits that as is evident from the order dated 04.02.2025 passed by learned JMIC, Faridabad, the complaint itself has been withdrawn in view of



CRM-M-9716-2025

-2-

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 He further submits that once the main complaint itself stands withdrawn, prosecution of the petitioner in the impugned FIR registered under Section 174-A would be nothing but an abuse of the process of the law.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, as he had failed to appear before the Court without any reasonable cause.

5. Mr. Pawan Singh, Advocate, accepts notice on behalf of respondent No.2 and has endorsed the fact that matter has been compromised between the parties and that the main complaint itself has already been withdrawn. He further submits that the complainant has no objection, if the FIR under challenge is quashed.

6. 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 03.07.2023. As submitted before this Court, the main complaint itself stands withdrawn.

7. 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



CRM-M-9716-2025

-3-

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.

8. 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 resolved in view of the settlement effected between the parties. Keeping in view the law settled, FIR No.250 dated 30.07.2023 (Annexure P-9) registered under Section 174-A IPC, registered at Police Station Sector 31, Faridabad, District Faridabad including the order dated 03.07.2023 passed by the learned JMIC, Faridabad, on the basis of which, the present FIR was lodged and all the consequent proceedings arising therefrom, are quashed subject to payment of Rs.25,000/- as cost to be deposited with Day Care Centre for Elderly Disabled in home for Old & Destitute People, Sector-15, 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, Faridabad within a period of 20 days from today.

8. Needless to say that in case the petitioner fails to pay the cost and comply with the aforesaid direction, order under challenge dated

CRM-M-9716-2025

-4-

03.07.2023 alongwith FIR in question 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.

21.02.2025			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No