



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

CRM-M-11732-2025  
Date of decision: 03.03.2025

Vikash Sharma @ Vikas

...Petitioner

Versus

State of Haryana and another

...Respondents

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

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

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

1. The present petition has been filed by the petitioner under Section 528 of BNSS, 2023 seeking quashing of order dated 17.08.2022 Annexure P-1 passed by the Court of Judicial Magistrate Ist Class, Hisar in NACT-2630 of 2019 titled Krishan Lal Verma Vs. Vikash Sharma, under Section 138 of Negotiable Instruments Act (for brevity, NI Act), and FIR No 790 dated 25.08.2022, under Section 174-A IPC at Police Station HTM Hisar (Annexure P-5).

2. The counsel for the petitioner has submitted that complainant/respondent No.2 filed aforesaid criminal complaint against the petitioner under Section 138 of NI Act on account of dishonor of cheque. That in the said proceedings under Section 138 NI Act, the petitioner was declared proclaimed person vide order Annexure P-1 and the Court concerned also gave directions to the local police to register FIR under Section 174-A IPC against the petitioner. Consequently, FIR (Annexure P-5) was registered. It is further submitted that subsequently matter was compromised between the parties and settled amount was paid to the complainant Krishan Lal Verma by petitioner Vikash Sharma and aforesaid criminal complaint was dismissed as withdrawn vide order dated 02.01.2023 (Annexure P-4) by the Court of Judicial Magistrate Ist Class, Hisar. Counsel



for the petitioner further submits that once proceedings under Section 138 of NI Act are withdrawn, then continuation of further proceedings based on the said complaint, would be an abuse of process of Court.

3. Notice of motion.

4. Mr. Arjun Lakhanpal, Addl. A.G. Haryana accepts notice on behalf of State and submits that no ground is made out to quash the impugned FIR Annexure P-5).

5. I have considered the submissions made by counsel for the petitioner and the State counsel.

6. Undoubtedly order Annexure P-1 and FIR P-5 have arisen out of the proceedings under Section 138 of NI Act which were initiated at the instance of the complainant Krishan Lal Verma against the present petitioner. The proceedings under Section 138 NI Act have already been dropped as the parties entered into compromise and criminal complaint under Section 138 NI Act was dismissed as withdrawn vide order Annexure P-4.

7. In view of the matter, since the main complaint filed under Section 138 NI Act stands withdrawn, therefore, continuation of further proceedings including order Annexure P-1 and FIR Annexure P-5 would be nothing but an abuse of process of law.

8. In light of above, I find merit in the present petition and accordingly the petition is allowed and order dated 17.08.2022 (Annexure P-1) as well as FIR No. 790 dated 25.08.2022 under Section 174-A IPC at Police Station HTM Hisar and all other subsequent proceedings arising therefrom are quashed qua the petitioner.

**03.03.2025**

*Yogesh*

**(KARAMJIT SINGH)**  
**JUDGE**

**Whether speaking/reasoned:-**  
**Whether reportable:-**

**Yes/No**  
**Yes/No**