



119

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

**CRM No.17780 of 2025 in/and
CRM-M No.13915 of 2023
Date of decision: 06.05.2025**

Shobhit

.....Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sahil Goel, Advocate
for the applicant-petitioner (through video conferencing).

Mr. Sumit Jain, Addl. A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

CRM No.17780 of 2025

Instant application has been filed praying for preponing the date of hearing in the main case.

For the reasons recorded in the application and no objection pleaded by learned State counsel, the same is allowed and the main case is ordered to be taken up on Board today itself for hearing.

CRM-M No.13915 of 2023 (O&M)

1. Present petition has been filed praying for quashing of FIR No.0139, dated 28.02.2022, under Section 174-A of IPC, registered at Police Station Sonipat City (Annexure P-1) along with all subsequent



proceedings arising therefrom. Further prayer has been made for staying the proceedings arising out of FIR during the pendency of the present petition.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely prosecuted in a complaint wherein he was declared as proclaimed person vide impugned order dated 11.02.2022. He has submitted that the complaint was filed on the premise that the cheque amounting to Rs.2,28,000/- was dishonored on account of insufficient funds. He has submitted that at the outset the petitioner is ready to compromise the matter by paying the amount due towards the complainant, however it is the complainant, who is not ready to accept the same. He has submitted that the petitioner has been illegally declared as proclaimed offender and he is ready to appear before the Court. He has submitted that in the facts and circumstances, the impugned FIR along with order of proclamation deserves to be quashed by permitting the petitioner to appear before the Court.

3. Notice of motion to official respondent at this stage.

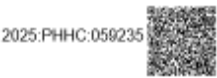
4. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana appears and accepts notice on behalf of respondent No.1-State. He on the other hand has contended that the petitioner was rightly declared as a proclaimed offender and pursuant to which FIR No.0139 dated 28.02.2022, under Section 174-A of IPC was registered against the petitioner and the petitioner is liable to be prosecuted in the said case, as he had failed to appear in the Court despite orders.



5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is apparent that the present FIR was registered due to non-appearance of the petitioner in a complaint case filed under Section 138 of the Negotiable Instruments Act and he was declared as proclaimed offender in the proceedings under the Negotiable Instruments Act. The petitioner is now ready to appear before the trial Court. As the petitioner is ready to join the proceedings, the continuation of the proceedings under Section 209 of BNS, 2023 would not serve any purpose.

7. So, keeping in view the above-said facts and the law settled, continuation of the proceedings under Section 209 of BNS, 2023 (Section 174-A of IPC) shall be abuse of the process of the Court. Consequently, the present petition is disposed of and impugned order dated 11.02.2022 passed in Complaint Case bearing CIS No.COMA/996/2018 dated 30.08.2018 whereby the petitioner was declared as Proclaimed offender by the learned Judicial Magistrate Ist Class, Sonipat along with all subsequent proceedings arising out of the same, including the impugned FIR No.0139, dated 28.02.2022, under Section 209 of BNS, 2023 (Section 174-A of IPC), registered at Police Station Sonipat City, are hereby quashed subject to payment of costs of Rs.20,000/- by the petitioner to be paid to the complainant/respondent No.2 within ten days from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith costs of Rs.20,000/-, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the case in



accordance with law. The trial Court will issue notice to the complainant and on his appearance Rs.20,000/- cost deposited by the petitioner will be released to him forthwith. Pending application, if any, also stands disposed of.

06.05.2025

rittu

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No

(RAJESH BHARDWAJ)
JUDGE