



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

CRM-M-17352-2025
Date of decision: 01.04.2025

Ritu Mahesh Chotrani

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. J.S. Rana, Advocate for the petitioner.
(Through VC).

Mr. Arjun Lakhanpal, Addl. A.G. Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 528 of BNSS 2023 seeking quashing of FIR No.540 dated 09.09.2018, under Section 174-A IPC, at Police Station Shivaji Nagar, Gurugram (Annexure P-1) along with all the subsequent proceedings arising therefrom.

2. The counsel for the petitioner has submitted that complainant/respondent No.2 India Bulls Housing Finance Limited filed criminal complaint No.13376 of 2016 titled India Bulls Vs. Ritu Mahesh Chotrani 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 by the trial Court vide order dated 14.08.2018 Annexure P-2 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-1) was registered. It is further submitted that subsequently matter was compromised between the parties and settled amount was paid to the complainant by petitioner and aforesaid criminal complaint was dismissed as withdrawn vide order dated 19.02.2025 (Annexure P-4) by the Court of Judicial Magistrate Ist Class, Gurguram and the complainant also issued 'No Dues Certificate' (Annexure P-3) in favour of the petitioner. Counsel for the petitioner further submits that once proceedings under Section 138 of NI Act are withdrawn, then continuation of further proceedings based on the said complaint, would be an abuse of process of Court.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, which is independent of the criminal complaint lodged under Section 138 NI Act.

5. I have considered the submissions made by counsel for the parties.

6. Undoubtedly order Annexure P-2 and FIR P-1 are arising out of the proceedings under Section 138 of NI Act which were initiated at the instance of the complainant/respondent No.2. The proceedings under Section 138 NI Act have already been disposed of as the parties entered into compromise and criminal complaint under Section 138 NI Act was dismissed as withdrawn vide order Annexure P-4 and the complainant issued 'No Dues Certificate' Annexure P-3 in favour of the petitioner.

7. In view of the matter, since the main complaint filed under



Section 138 NI Act stands withdrawn, therefore, continuation of further proceedings including FIR Annexure P-1 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 FIR No.540 dated 09.09.2018, under Section 174-A IPC, at Police Station Shivaji Nagar, Gurugram (Annexure P-1) and all other subsequent proceedings arising therefrom are quashed qua the petitioner.

01.04.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

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

**Yes/No
Yes/No**