



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

SR. NO.102/2

CRM-M-18214-2025 (O&M)

DATE OF DECISION:07.07.2025

GAGANDEEP

...PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Ms. Kamlesh, Advocate for
Mr.Parminder Singh, Advocate,
for the petitioner.

Mr. Rajinder Kumar Banku, DAG, Haryana.
Ms. Ravisha, Advocate for
Mr. Sahil Khunger, Advocate for the complainant.

N.S. SHEKHAWAT, J.
CRM-22259-2025

Application is allowed, subject to all just exceptions. Annexures P-8 to P-14 are permitted to be placed on record.

Main case

1. The present petition has been filed under Section 528 of BNSS, 2023 with a prayer to quash FIR No.1191 dated 26.08.2023 registered under Section 174-A IPC at Police Station City Panipat, District Panipat as well as order dated 19.08.2023 (Annexure P-4), whereby the petitioner was declared as proclaimed person and all subsequent proceedings arising therefrom.
2. Learned counsel for the petitioner has vehemently argued that in fact the complainant had filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'the Act') against the present petitioner. Since the summons/warrants were sent at a wrong address, the petitioner could not be served in the present case. She further submits that even a report was received by the concerned court that summons had not been served on the petitioner due to change of address,

still the proclamation was ordered to be issued against the petitioner vide proclamation dated 09.06.2023 (Annexure P-3). Learned counsel next submits that even as per the report prepared by ESC Ranbir Singh, during the process of publication of the proclamation, he had gone at the address of the petitioner, but it was found that the shop at the said address was already closed. Ultimately, vide order (Annexure P-4), the petitioner was declared as a proclaimed person and information was sent to the police station concerned to initiate the proceedings against the petitioner under Section 174-A IPC. Learned counsel also submits that in compliance of the order (Annexure P-4) passed by the trial Court, the aforementioned FIR has been registered at Police Station City Panipat.

3. Learned counsel contends that now the parties have amicably settled their disputes and on 01.07.2025, the complainant appeared before the trial Court and made a statement that he did not want to proceed further with the present case and wanted to withdraw the complaint. Consequently, on 01.07.2025 itself, the complaint under Section 138 of the Act was withdrawn by the complainant, being compromised. She further contends that in fact the summons/warrants were issued against the petitioner to ensure his presence before the trial Court and since the proceedings under Section 138 of the Negotiable Instruments Act have already been withdrawn, no purpose will be served by keeping the FIR (Annexure P-5) alive and the impugned order dated 19.08.2023 (Annexure P-4) as well as the FIR (Annexure P-5) are liable to be quashed by this Court, being an abuse of the process of the Court.

4. On the other hand, learned State counsel submits that the petitioner had been intentionally evading the process of law and did not appear before the Trial Court. Learned State counsel further submits that the petitioner has not been able to point out any illegality in the impugned order passed by the Trial Court and the petition deserves to be dismissed by this Court.

5. Learned counsel appearance on behalf of the complainant submits that the matter has been resolved between the parties on 01.07.2025 and the complaint under Section 138 of the Act has been withdrawn by the complainant from the trial Court. He further submits that she has no objection in case the present petition is accepted.

6. I have heard the learned counsel for the parties and perused the record carefully.

7. A co-ordinate Bench of this Court in **CRM-M-43813-2018** titled as **“Baldev Chand Bansal vs. State of Haryana and another”**, decided on 29.01.2019 has held as under:-

“Prayer in this petition is for quashing of FIR No.64 dated 15.02.2017 filed under Section 174-A of the Indian Penal Code registered at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof as well as order dated 24.10.2016 passed by the trial Court vide which a direction was issued to register the aforesaid FIR.

xxx xxx xxx

*Learned counsel for the petitioner has relied upon the decisions rendered by this Court in “ **Vikas Sharma vs. Gurpreet Singh Kohli and another (supra)**, 2017, (3) L.A.R.584, **Microqual Techno Limited and others Vs. State of Haryana and another**, 2015 (32) RCR (Crl.) 790 and “**Rajneesh Khanna Vs. State of Haryana and another**” 2017(3) L.A.R. 555 wherein in an*

identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the process of law.

xxx xxx xxx

In view of the same, I find merit in the present petition and accordingly, present petition is allowed and the impugned order dated 24.10.2016 passed by Judicial Magistrate, 1st Class, Panchkula as well as FIR No.64 dated 15.02.2017 registered under Section 174-A of the Indian Penal Code at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof, are hereby quashed.”

8. A perusal of the above judgment would show that in a similar case where the FIR had been registered under Section 174-A IPC in view of the order passed in proceedings under Section 138 of the Act, while declaring the petitioner therein as a proclaimed offender, a co-ordinate Bench after relying upon various judgments observed that once the main petition under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, the continuation of proceedings under Section 174-A IPC is nothing but an abuse of the process of law. The said aspect was one of the main considerations for allowing the petition and setting aside the order declaring the petitioner therein as a proclaimed person as well as quashing of the FIR under Section 174-A IPC.

9. Another co-ordinate Bench of this Court in a case titled as **“Ashok Madan vs. State of Haryana and another”** reported as **2020(4) RCR (Criminal) 87** has also held as under:-

“No doubt, the learned counsel for the respondent has vehemently argued that the offence under Section 174A I.P.C. is

independent of the main case, therefore, merely because the main case has been dismissed for want of prosecution, the present petition cannot be allowed, however, keeping in view the fact that the present FIR was registered only on account of absence from the proceedings in the main case which had been subsequently regularized by the court while granting bail to the petitioner, the default stood condoned. In such circumstances, continuation of proceedings under Section 174A I.P.C. shall be abuse of the process of court.

Accordingly, the petition is allowed. FIR No.446 dated 21.08.2017, registered under Section 174A I.P.C. At Police Station Kotwali, District Faridabad, as well as consequential proceedings shall stand quashed.”

10. In the present case also, the main case has already been withdrawn by the complainant. Consequently, the continuation of the proceedings arising out of FIR No.1191 dated 26.08.2023, registered under Section 174-A of IPC at Police Station City Panipat, District Panipat, Haryana (Annexure P-5) would be an abuse of process of the Court. Similar observations have been made by this Court in the matter of **“Anil Kumar Versus Jitender Kumar and another, CRM-M- 5878-2022 decided on 06.04.2022”**, **“Anil Kumar Versus Jitender Kumar and another, CRM-M- 5755-2022 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”** .

11. In view of the above, the present petition is allowed and impugned order dated 19.08.2023 (Annexure P-4) and FIR No.1191 dated 26.08.2023 registered under Section 174-A IPC at Police Station City

Panipat, District Panipat (Annexure P-2) along with all subsequent proceedings arising therefrom are hereby ordered to be quashed qua the petitioner.

07.07.2025
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO