



CRM-M-21431-2025

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : CRM-M-21431-2025

Pronounced On : September 15, 2025

Sandeep Kosya Petitioner
vs.
State of Haryana and another Respondents

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

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Present : Mr. Badal Malik, Advocate
for the petitioner.

Mr. R. K. Singla, Addl. A. G., Haryana.

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SUKHVINDER KAUR, J. :

Through the present petition, filed under Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No.322 dated 01.04.2022, under Section 174-A IPC, 1860, registered at Police Station HTM Hisar, District Hisar, on the basis of compromise in **Criminal Case NACT-913 of 2019** titled as **KMA Technoware Pvt. Ltd. vs. Sandeep Kosya**, under Section 138 of the Negotiable Instruments Act.

Brief facts of the case are that that respondent no.2 filed the aforesaid complaint under Section 138 of the Negotiable Instruments Act against the petitioner. Due to non-appearance of the petitioner in the said complaint case, he was declared proclaimed person vide order dated 21.01.2022 and accordingly, an FIR under Section 174-A was ordered to be registered against him. Thus, FIR in question was registered against the



petitioner.

Learned counsel for the petitioner, at the outset, has intimated this Court that the aforesaid complaint under Section 138 of the Negotiable Instruments Act has been dismissed as withdrawn vide order dated 06.03.2025, passed by learned Judicial Magistrate Ist Class, Hisar, as the parties have amicably settled their dispute and have entered into compromise. The said fact has not been disputed by learned counsel appearing on behalf of respondent-State. The said order dated 06.03.2025, passed by learned Judicial Magistrate Ist Class, Hisar reads as under :-

“Original file requisitioned from record room, as an application moved by learned counsel for the complainant.

Ahlmad is directed to restore the case at its original number.

At this stage, learned counsel for the complainant made a statement that he has compromised the matter with the accused so, he does not want to pursue with the present complaint and wants to withdraw the same. Heard.

In view of the statement made by learned counsel for complainant, the present complaint is hereby dismissed as withdrawn.

File be consigned to record room after due compliance.”

Thus, in view of aforesaid order dated 06.03.2025, learned counsel for the petitioner argued that no purpose would be achieved by continuing with the proceedings arising out of the FIR in question under



Section 174-A IPC. In support of his submissions, he has placed reliance on a judgment passed by a Co-ordinate Bench of this Court in case of **Hitesh H. Shah vs. State of Haryana and another – CRM-M-12034-2022**, decided on 13.07.2022 and submits that the case of the petitioner is identical on facts and law to that of the referred judgment.

Notice of motion.

On asking of the Court, Mr. R. K. Singla, Additional Advocate General, Haryana, who is present in the Court, accepts notice on behalf of respondent-State.

Short reply dated 02.07.2025, by way of affidavit of Tanuj Sharma, HPS, Deputy Superintendent of Police, Hisar, on behalf of respondent no.1 – State of Haryana, has been filed in Court, which is ordered to be taken on record.

In the aforesaid short reply, factum regarding compromise between the parties has been clearly admitted in paragraph no.3.

Learned State counsel submits that aforementioned FIR has rightly been registered against the petitioner in accordance with law, by following all the provisions of Cr.P.C., and same is required to come to a logical end. However, he does not dispute the fact that the very dispute, out of which proceedings were ordered to be initiated against the petitioner under Section 174-A IPC, stands finalised and the main complaint case has already been withdrawn on 06.03.2025.

I have heard learned counsel for the parties and perused the case file.



CRM-M-21431-2025

4

It is clear that dispute between private parties regarding cheque amount has already been resolved, inasmuch as, main complaint case stands withdrawn by the complainant himself on 06.03.2025, as already noticed above.

In **Baldev Chand Bansal v. State of Haryana and another**

– **CRM-M-43813-2018**, decided on 29.01.2019, a Co-ordinate Bench of this Court 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.

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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



CRM-M-21431-2025

5

process of law.

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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 140 CRM-M-59270-2022 5 Penal Code at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof, are hereby quashed.”

A perusal of the above judgment would show that in a similar case where FIR was registered under Section 174-A IPC pursuant to an order passed by the Trial Court in proceedings under Section 138 of the Negotiable Instruments Act, 1881, while declaring petitioner therein as 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, 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 consideration for allowing the petition and setting aside the order declaring the petitioner therein as proclaimed person as well as quashing of FIR under Section 174-A IPC.

Another Co-ordinate Bench of this Court in a case titled as **Ashok Madan vs. State of Haryana and another – 2020 (4) R.C.R. (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 regularised 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.”

Reiterating the same principle, in case of **Hitesh H. Shah** (*supra*), continuation of proceedings under Section 174-A IPC were held to be abuse of the process of law, once main dispute between the parties has already ended.

Under these circumstances, once the very complaint case under Section 138 of the Negotiable Instruments Act, 1881, filed against the present petition stands withdrawn, on the basis of compromise, continuation of FIR No.322 dated 01.04.2022, under Section 174-A IPC, 1860, registered at Police Station HTM Hisar, District Hisar, is nothing but an abuse of process of law. In this regard reliance can also be placed upon judgment



rendered by this Court in the case of Microqual Techno Limited and others v. State of Haryana and another – 2015 (32) R.C.R. (Criminal) 790, which has also been followed in Jitender Singh v. State of Haryana and another – CRM-M-47891-2021, decided on 16.11.2021.

In view of the above facts, the present petition is allowed and FIR No.322 dated 01.04.2022, under Section 174-A IPC, 1860, registered at Police Station HTM Hisar, District Hisar is hereby quashed qua the petitioner herein, along with all consequential proceedings arising therefrom.

September 15, 2025
monika

(SUKHVINDER KAUR)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.