



CRM-M-25007-2025

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

CRM-M-25007-2025

Date of Decision: 08.05.2025

Parveen Kaushal

..... Petitioner

Versus

State of Hayana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gagandeep Singh, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition is for quashing of the order dated 24.02.2020 (Annexure P-2) passed by learned JMIC, Gurgaon in NACT-17343/2017 dated 02.11.2017, whereby, the petitioner was declared as proclaimed person and FIR No.869 dated 18.03.2020 (Annexure P-3) registered under Section 174-A IPC, at Police Station Shivaji Nagar, Gurgaon, registered in pursuance to the order dated 24.02.2020 and all the consequential proceedings arising therefrom.

2. Learned counsel for the petitioner has submitted that the petitioner was prosecuted in a complaint filed under Section 25 read with Section 27 of the Payment and Settlement Systems Act, 2007, however, during the pendency of the same, the petitioner was declared as proclaimed person due to his absence and the impugned FIR under Section 174-A IPC was registered against him. He submits that even otherwise both the sides have compromised their inter-se dispute and on the basis of same, the complaint has been withdrawn before the National Lok Adalat, Gururgram vide order dated 09.09.2023. He submits that as is evident from the order dated 09.09.2023, the complaint itself has been withdrawn in view of



compromise effected between the parties. He further submits that once the main complaint itself stands withdrawn, prosecution of the petitioner in the impugned FIR registered under Section 174-A would be nothing but an abuse of the process of the law.

3. Notice of motion.

4. Mr. Tanuj Sharma, AAG, Haryana, accepts notice on behalf of the State. He has submitted that the petitioner was rightly declared as proclaimed person, pursuant to which FIR registered was registered against him under Section 174-A IPC, as he had failed to appear before the Court without any reasonable cause.

5. Mr. Vineet Sehgal, Advocate, accepts notice on behalf of respondent No.2 and has endorsed the fact that matter has been compromised between the parties and that the main complaint itself has already been withdrawn before the National Lok Adalat. He further submits that the complainant has no objection, if the FIR and the order under challenge are quashed.

6. I have heard counsel for the parties and perused the record. It is apparent that the present FIR was registered due to non-appearance of the petitioner as he was declared as a proclaimed person vide order dated 24.02.2020. As submitted before this Court, the main complaint itself stands withdrawn.

7. So, keeping in view the above-said facts, it is clear that due to absence of the petitioner, he was declared as proclaimed person and thereafter, FIR was registered. The dispute between the parties has been settled and the root cause of controversy i.e. the complaint has already been



withdrawn. Continuation of the proceedings under Section 174-A of IPC shall be abuse of the process of the law as the main dispute has already been resolved in view of the settlement effected between the parties. Keeping in view the facts and circumstances of the present case, FIR No.869 dated 18.03.2020 (Annexure P-3) registered under Section 174-A IPC, at Police Station Shivaji Nagar, Gurgaon including the order dated 24.02.2020 passed by the learned JMIC, Gurugram, on the basis of which, the present FIR was lodged and all the consequent proceedings arising therefrom, are hereby quashed.

8. The petition stands disposed of.

08.05.2025
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No