



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

269

CRM-M-29893-2024

Date of decision: 16.09.2025

CHAMAN AHMED ALIAS CHAMAN

.... PETITIONER

VERSUS

STATE OF HARYANA AND ANR

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Mohammad Arshad, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of Cr.P.C. is for quashing of the order dated 01.07.2023 (Annexure P-5) passed by the Judicial Magistrate Ist Class, Pataudi, District Gurugram in Criminal Complaint No. NACT-201 dated 09.08.2018, titled as M/s. Ankit Tractors versus Chaman (Annexure P-2), whereby the petitioner has been declared as proclaimed person.

The learned counsel for the petitioner contends that the petitioner was summoned under Section 138 of the Negotiable Instruments Act, 1881 by the Court of Sh. Sudhir Kumar, learned Sub Divisional Judicial Magistrate, Pataudi, vide order dated 15.10.2018. The petitioner preferred a revision petition vide order dated 06.04.2019 passed by the learned Sessions Judge, Gurugram. The summoning order was set aside and the complaint came to be dismissed. Despite the said fact, the petitioner was declared a proclaimed offender on 01.07.2023, pursuant to which FIR No.405 dated 21.07.2023 under Section 174-A came to be registered against the petitioner.

I have heard learned counsel for the petitioner.

On 03.07.2024, the following order was passed:-

“The petitioner is seeking quashing of order dated



01.07.2023 (Annexure P-5) passed by learned Judicial Magistrate First Class, Pataudi, District Gurugram in Criminal Complaint No.NACT 201 dated 09.08.2018 titled as 'M/s Ankit Tractors Vs. Chaman' whereby he has been declared a proclaimed person in contravention of the order dated 06.04.2019 (Annexure P-4) and FIR No.405 dated 21.07.2023 under Section 174 A of the IPC came to be registered at Police Station Pataudi, District Gurugram, along with all consequential proceedings arising therefrom.

Learned counsel for the petitioner at the outset has drawn the attention of this Court to Annexure P-4 wherein the revision petition filed to impugn his summoning under Section 138 of the NI Act was allowed by the learned Revisional Court vide order dated 06.04.2019. It has been contended that despite the aforesaid order, shockingly, vide order dated 01.07.2023 (Annexure P-5), the learned Trial Court went ahead and erroneously declared the petitioner a proclaimed person in the case in hand and still further directed the registration of an FIR under Section 174 A of the IPC. Learned counsel has still further drawn the attention of this Court to Annexure P-7 which is an order of the learned JMFC, Pataudi vide which the petitioner on being declared a proclaimed person was arrested and subsequently released from custody.

Notice of motion.

On asking of the Court, Mr. Rahul Mohan, Sr. DAG, Haryana accepts notice on behalf of respondent No.1-State.

Adjourned to 08.07.2024.

Let a report in the said regard be called for from the learned Trial Court positively before the next date of hearing.”

Thereafter, on 03.07.2025, the following order was passed:-

“CRM-24496-2025

Prayer in this application is for advancing the date of hearing of the main case.

No ground for advancing the date of hearing of the main case is made out.

The application stands dismissed.

CRM-24497, 24998-2025

Notice of the applications for 16.09.2025, the date already fixed in the main case.

In view of the report received from learned Civil Judge (Junior Division), Pataudi, in compliance of order dated 03.07.2024 passed by this Court, further proceedings before the trial Court shall remain in abeyance till the next date of hearing only.”

As per the report submitted by the Civil Judge (Junior Division), Pataudi, the factual narration has not been disputed. However, it has been stated that the Presiding Officer might not have been informed of the setting aside of the summoning order on 06.04.2019.

Admittedly, once the summoning order under Section 138 itself is set aside, the question of declaring the petitioner a proclaimed person or subsequently registering an FIR based on the said order is nothing but an abuse of the process of the Court. Therefore, the order dated 01.07.2023 (Annexure P-5) and all consequential proceedings arising therefrom, including FIR No.405 dated 21.07.2023 under Section 174-A, stand quashed.

16.09.2025
Kusum

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No