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

**CRM-M No.29998 of 2025
Date of Decision: 28.05.2025**

Varpreet Kaur

..... Petitioner

Versus

State of Union Territory, Chandigarh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Mr. N. K. Vashist, Addl. P. P., UT, Chandigarh.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for quashing of FIR No.359, dated 17.10.2023 (Annexure P-10), under Section 174-A of IPC, registered at Police Station Sector 36, Chandigarh along with all consequential proceedings arising therefrom. Further prayer has been made for staying the further proceedings before the learned trial Court during the pendency of the present petition.

2. It has been submitted by learned counsel for the petitioner that the petitioner was prosecuted in the complaint filed under Section 138 of the Negotiable Instruments Act (for short 'the NI Act'). He has submitted that the petitioner had availed the loan from the complainant-Bank. He has submitted that the petitioner was regularly paying the



EMIs, however in default of some of the EMIs, the proceedings under Section 138 of NI Act were initiated against the petitioner. He has submitted that the petitioner was declared a proclaimed person vide order dated 20.09.2023. He has submitted that the petitioner had paid the due amount towards the complainant-Bank and on the basis of the same, the complaint filed by the complainant-Bank was withdrawn and the petitioner has already been acquitted vide order dated 17.07.2024. He has submitted that as the petitioner was declared proclaimed person, the impugned FIR was registered against the petitioner and the same is pending as on date. He has submitted that once the complaint filed against the petitioner has already been settled on the basis of compromise and the petitioner has been acquitted, her prosecution in the impugned FIR is nothing but an abuse of the process of the Court and the same deserves to be quashed.

3. Learned State counsel, on the other hand, has contended that the petitioner was rightly declared as a proclaimed person and pursuant to which FIR No.359, dated 17.10.2023, under Section 174-A IPC, at Police Station Sector 36, Chandigarh was registered against the petitioner and the petitioner is liable to be prosecuted in the said case, as she failed to appear in the Court despite orders.

4. I have heard counsel for the parties and perused the record.

5. It is apparent that the present FIR was registered due to non-appearance of the petitioner in a complaint under Section 138 of the Act and she was declared as a proclaimed person vide order dated



20.09.2023. As the parties have compromised the matter and the main dispute between the parties has been resolved and the complaint has already been withdrawn, so keeping in view the fact that the root cause i.e. the complaint under Section 138 of the Act stands compromised between the parties and the complaint has already been withdrawn and has no grudge against the petitioner, this Court is of the opinion that continuation of proceedings pursuant to the FIR detailed above, shall be nothing, but an abuse of the process of the Court.

6. This Court time and again has held that when the main proceedings under Section 138 of NI Act stand compromised, then the continuation of FIR and proceedings under Section 174-A of IPC on account of petitioners having been declared as proclaimed person would be nothing but an abuse of the process of law. This view was taken by the coordinate Bench of this Court in a case titled as “**Ashok Madan vs. State of Haryana and another**” reported as 2020(4) RCR (Criminal) 87, “**Anil Kumar Versus Jitender Kumar and another**”, CRM-M-5878-2022 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.

7. So, keeping in view the above-said facts, it is clear that due to her absence, the petitioner was declared as proclaimed person vide order dated 20.09.2023 and thereafter, FIR was registered. The dispute between the parties has been settled and the complaint has been withdrawn. Thus continuation of the proceedings under Section 174-A of



IPC shall be abuse of the process of the Court. Consequently, the present petition is disposed of and the impugned FIR No.359, dated 17.10.2023 (Annexure P-10), under Section 174-A of IPC, registered at Police Station Sector 36, Chandigarh along with all the consequential proceedings arising therefrom, is hereby quashed.

28.05.2025

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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No