



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

139

**CRM-M-35378-2025
Decided on : 09.07.2025**

Shahul Ahmed

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

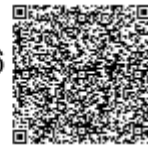
PRESENT: Mr. P.H. Jamion, Advocate and
Mr. Saurabh Khosla, Advocate for the petitioner.

SANJAY VASHISTH, J. (Oral)

1. Prayer in this petition, filed under Section 528 of BNSS, 2023 (corresponding to Section 482 of Cr.P.C.), is for quashing/setting aside of order dated 12.10.2018 (P-6) as well as consequential proceedings including FIR 579 dated 19.04.2019, under Section 174-A of IPC, registered at Police Station Shivaji Nagar, Gurugram (registered after the petitioner was declared as a 'proclaimed person' in Criminal Complaint bearing No. 12066/2016.

2. Counsel for the petitioner submits that a complaint was filed under Section 138 of the Negotiable Instruments Act, 1881 (in short, 'NI Act'), by India Bulla Housing Finance Ltd. (complainant) against dishonour of a cheque bearing No. 523350 dated 04.03.2011 for a sum of ₹1,22,598/-, drawn on Indian Bank, Chennai. The complainant deposited the said cheque for encashment with its banker, i.e., ING Vysya Bank, Gurgaon; however, the cheque was dishonoured and returned unpaid with the remark "insufficient funds."

Counsel for the petitioner further submits that the petitioner had availed a personal loan of ₹73,886/- vide loan account No. S000012487,



CRM-M-35378-2025

- 2 -

disbursed through cheque dated 01.09.2005. The loan carried monthly installments of ₹2,696/- and was scheduled to commence from 10.10.2005.

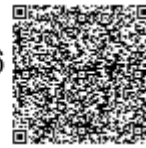
Counsel for the petitioner also submits that a settlement was mutually agreed upon between the parties on 25.09.2007, under which the petitioner agreed to pay a total sum of ₹43,000/- towards full and final payment. For this purpose, the petitioner issued post-dated cheques, as described in the settlement letter dated 25.09.2007 (Annexure P-2). Counsel also submits that the complainant thereafter encashed the settlement amount, which was duly acknowledged by the complainant (Annexure P-3).

Counsel also submits that four post-dated cheques were returned by the complainant, but despite repeated requests, the remaining blank cheques that had been given as security were not returned by the complainant. It is alleged that one such cheque was misused and presented for encashment in March 2011, resulting in the initiation of proceedings under Section 138 of the NI Act.

Further contends that during the course of proceedings before the learned Trial Court, the petitioner was declared a *Proclaimed Person* vide impugned order dated 12.10.2018 passed by the learned JMIC, Gurugram.

Counsel argues that the petitioner was never served or received any summons during the proceedings, as he is a permanent resident of Chennai. No procedure, as mandated under Section 82 Cr.P.C., was followed, and on the basis of the proclamation order dated 12.10.2018, FIR No. 579 dated 19.04.2019 under Section 174-A IPC was registered at Police Station Shivaji Nagar, Gurugram against him.

Counsel points out that the main controversy has already been resolved and, as a result thereof, the complaint case itself has been withdrawn



CRM-M-35378-2025

- 3 -

by the complainant on 09.09.2023 (Annexure P-8).

In support of his contention, counsel for the petitioner refers to the order dated 09.09.2023 (P-8), passed by Presiding Officer, National Lok Adalat Gurugram, and relevant is reproduced here-in-below:-

“Present: AR for the complainant in person with learned Counsel Sh. Anurag Yadav.

Counsel for complainant got his statement recorded separately to the effect that he does not want to proceed further with the present complaint on the instructions of the complainant and same may be dismissed as withdrawn.

Heard. In view of the aforesaid statement, present complaint is hereby dismissed as withdrawn. File be consigned to record room after due compliance, complete in all respects.

COMPLAINT DISMISSED AS WITHDRAWN

*Pronounced in National Lok Adalat
Date : 09.09.2023*

*(Amitendra Singh)
Presiding Officer
National Lok Adalat,
Gurugram.
UID No. HR0512 ”*

3. Learned counsel for the petitioner further submits that declaration of the petitioner as proclaimed offender, and thereafter, registration of FIR No.579, dated 19.04.2019, under Section 174-A of IPC, would not be considered as material proceeding, once main offence from which such proceedings emerged, has already been withdrawn on the statement of the complainant. In support of the contention, learned counsel relies upon judgment of the co-ordinate Bench of this Court rendered in **CRM-M-47657-2022**, titled as, **“Randhir Singh Tyagi v. State of Haryana and another”**, decided on **17.10.2022..**

4. Notice of motion.

5. On asking of the Court, Mr. Kanwar Sanjiv Kumar, AAG, Haryana, who is present in Court, accepts notice on behalf of respondent No.1 – State. Copy of the paper book has already been supplied to him.

6. In view of the settled proposition of law, wherein, several other



CRM-M-35378-2025

- 4 -

similar matters have already been decided by this Court, learned State counsel has no serious and authentic submissions before this Court to oppose the prayer made in present petition.

7. Heard.

8. Under these circumstances, once the proceedings under Section 138 of NI Act stands withdrawn on the basis of compromise, continuation of the instant FIR under Section 174-A of IPC is nothing but an abuse of process of law. In this regard reliance can 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) RCR (Criminal) 790**, which has also been followed in **CRM-M-47891-2021**, titled as, “**Jitender Singh v. State of Haryana and another**”, decided on **16.11.2021**, and the order dated **05.09.2022**, passed by this Court in **CRM-M-34291-2022**, titled as, “**Pankaj Sharma v. State of Haryana and another**”.

9. Accordingly, instant petition is allowed. Order dated 12.10.2018 (Annexure P-6) declaring the petitioner as ‘proclaimed person’, and all consequential proceedings arising therefrom including FIR No.579, dated 19.04.2019, under Section 174-A of IPC, registered at Police Station Shivaji Nagar, Gurugram (Annexure P-7), as well as all consequential proceedings arising therefrom, stand quashed *qua* the petitioner.

Petition stands **disposed of**.

(SANJAY VASHISTH)
JUDGE

July 09, 2025

Rashmi

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