



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

270

CRM-M-29898-2025 (O&M)

Date of decision: 22.12.2025

Jitender Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

Mr. Amrik Narwal, DAG, Haryana

Mr. Nitin Thatai, Advocate,
for respondent No.2 (through VC).

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition filed under Section 528 of BNSS for quashing of FIR No.1000 dated 19.06.2023, under Section 174-A IPC, registered at Police Station Civil Lines Karnal, District Karnal and all the consequential proceedings arising therefrom.

2. Learned counsel contends that the petitioner was summoned in a complaint filed under Section 138 NI Act, however, he has not received any summon and therefore learned trial Court left with no option, issued bailable warrants against him on 07.10.2021. Thereafter, vide order dated 30.03.2022, learned trial Court issued proclamation under Section 82 Cr.P.C. for his appearance on 10.04.2023. Consequently, due to his non-appearance, has wrongly been declared proclaimed person, vide order dated 20.05.2023, consequent to which present FIR was registered under Section 174-A IPC. However, compromise was arrived at between the parties and therefore the complaint itself



was ordered to be withdrawn vide order dated 01.07.2023, Annexure P-4. Thus, the submission made is that continuation of the present proceedings would amount to abuse of process of Court.

3. Learned State counsel submits that the FIR was rightly registered as the petitioner was declared proclaimed person by the trial Court for having absented, however, the factum of order dated 01.07.2023, whereby the complaint was withdrawn remained uncontroverted.

4. Learned counsel for respondent No.2, who is appearing through video conferencing, has no objection in case the present FIR registered under Section 174-A IPC is quashed.

5. Heard.

6. It is apposite to refer to the order dated 01.07.2023, passed by the trial Court, whereby the complaint in question itself was ordered to be dismissed as withdrawn, which reads thus:

“Learned counsel for the complainant has made a statement that as per the instructions of complainant, he does not want to pursue further with this complaint and withdraws the same. Heard. In view of the statement recorded above, the complaint in hand is dismissed as withdrawn. Bail bonds and surety bonds furnished on behalf of accused stand discharged and the revenue authorities/registering authority (RTA) concerned are directed to release the property/registration certificate of vehicle of surety attached in connection with this complaint immediately on furnishing certified copy of this order.

An application for passing necessary order to de-freeze the bank account of the applicant-accused has been moved by learned counsel for applicant-accused. Heard. Ahlamd report received and perused. In view of the contents mentioned in the application, therefore, the application in hand is allowed and Manager, Dena Bank, Branch, Karnal is directed to defeeze/release the account bearing No.118310023709 in the name of applicant/accused Jitender Kumar son of Makhan Singh R/o VPO Mehmadpur, Distt. Karnal. Copy of this order be sent to Manager, Dena Bank, Branch Karnal for necessary compliance of this order. Application stands disposed off.



Papers be tagged with the main case file. File be consigned to the record room after due compliance.”

7. In **Baldev Chand Bansal vs. State of Haryana and another**, CRM-M-43813-2018, decided on 29.01.2019, this Court quashed the FIR registered under Section 174-A IPC in pursuance of the settlement arrived at between the parties, and held thus:

“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.

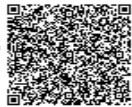
xxx xxx xxx

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

8. In similar set of facts and circumstances, while placing reliance on the judgments of **Microqual Techno Ltd. vs. State of Haryana**, 2015 (32) RCR (Criminal) 790; **Rajneesh Khanna vs. State of Haryana and another**, 2017 (3) L.A.R. 555, CRM-M32612 of 2020, **Surender Singh vs. State of Haryana and another** decided on 12.01.2021, the proceedings initiated under Section 174-A IPC, were quashed by this Court in the case of **Murli Jha vs. State of Haryana**



2021(3) R.C.R.(Criminal) 563, by observing therein that, “I have considered the rival submissions of the parties. The FIR is an outcome of the order declaring the petitioner as a proclaimed person in proceedings initiated under section 138 of NI Act which stands settled, the complaint has been withdrawn and the proceedings against the accused petitioner were dropped. In such circumstances, the continuation of prosecution under Section 174-A IPC in pursuance to orders passed by the trial Court cannot be permitted to continue.”

9. In the present case, the petitioner was declared a proclaimed person on 20.05.2023, pursuant to which the impugned FIR was registered on 19.06.2023, however, the main complaint itself stood withdrawn on 01.07.2023, hence this Court finding that continuation with the proceedings in question would amount to an abuse of the process of the Court, thus, in light of the judgment in **Ramesh Chandra vs. State of U.P.**, 2022 SCC OnLine SC 1634, the FIR is liable to be quashed, in exercise of power under Section 482 CrPC.

10. Considering the aforesaid facts and circumstances of the case and the decisions referred, this Court finds that the continuation of proceedings against the petitioner pursuant to FIR in question, would be an abuse of process of law. Accordingly, the present petition is allowed and FIR No.1000 dated 19.06.2023, under Section 174-A IPC, registered at Police Station Civil Lines Karnal, District Karnal, is quashed.

(AMAN CHAUDHARY)
JUDGE

22.12.2025
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Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No