

CRM-M-34753-2025 (O&M)

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

2025.PHHC.080712



**CRM-M-34753-2025 (O&M)
Date of Decision: 07.07.2025**

ASHISH YADAV

... PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present:- Mr. Pankaj Maini, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

SANJAY VASHISTH, J.

1. Prayer in this petition, filed under Section 528 of BNSS, 2023 (corresponding to Section 482 of Cr.P.C.), is for setting aside of impugned order dated 24.03.2022 (Annexure P-7) vide which learned Judicial Magistrate First Class, Hisar has declared the petitioner as a 'proclaimed person' in NACT No. 3651 of 2019 and respondent No.2 has been directed to lodge FIR against the petitioner under Section 174-A IPC, vide FIR No. 235 dated 30.04.2022, registered at Police Station Civil Lines, Hisar along with all consequential proceedings arising therefrom.

2. Counsel for the petitioner submits that the dispute is with regard to proceedings under Section 138 of the Negotiable Instruments Act and the same has already been resolved, as all of the payment has been made back to respondent No.3-Sandeep Mehtani/complainant and on that account complaint has been withdrawn and thus, disposed of also, vide order dated

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30.04.2025 (Annexure P-10). Counsel also refers to the statement got recorded by respondent No.3/complainant on 30.04.2025 before the Court of JMIC, Hisar (Annexure P-10).

3. Counsel for the petitioner further argues that the once the main dispute i.e. with regard to the complaint under Section 138 of the Negotiable Instruments Act is over on account of settlement and complaint has been withdrawn, no purpose is left with the Courts to continue with the proceedings in pursuance to the order dated 24.03.2022, declaring the petitioner as proclaimed person and thereupon, consequential registration of FIR under Section 174-A IPC.

4. In support of his contention, counsel for the petitioner refers to the compromise statement dated 30.04.2025 (Annexure P-10), and same is reproduced here-in-below:-

“Statement of Sh. Sandeep Mehtani age 49 S/o Shri Aatam Prakash Mehtani, R/o PLA Hisar.

(On SA)

Stated that in the present matter my compromise has been affected with the accused. As per compromise I have received my due amount. Nothing is left to be received from the side of accused. It is requested to file the present case.

RO & AC

*Sd/-
P-765B-1987”*

*Sd/-
JMIC Hisar
30.04.2025*

5. Learned counsel for the petitioner further submits that declaration of the petitioner as proclaimed offender, and thereafter, registration of FIR No. 235 dated 30.04.2022, 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

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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**..

6. Notice of motion.

7. 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.

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

9. Heard.

10. 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**”.

11. Accordingly, instant petition is allowed. Order dated 24.03.2022 (Annexure P-7) declaring the petitioner as ‘proclaimed person’, and all consequential proceedings arising therefrom including FIR No. 235

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dated 30.04.2022 under Section 174-A of IPC, registered at Police Station Civil Lines, Hisar (Annexure P-9), stand quashed *qua* the petitioner.

Petition stands **disposed of**.

07.07.2025
Janki

(SANJAY VASHISTH)
JUDGE

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