



(256) IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-46059-2021

Date of Decision:09.09.2025

AMIT KUMAR

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Karan Singh Rana, Advocate  
for the petitioner.

Mr. Parmod Kumar, AAG, Haryana.

**AMAN CHAUDHARY, J. (Oral)**

1. The present petition has been filed under Section 482 Cr.P.C., for quashing of FIR No.591 dated 02.10.2021, registered under Section 174-A IPC, at Police Station Karnal City, Civil Lines.

2. Learned counsel submits that a complaint under Section 138 N.I.Act was filed against the petitioner with regard to cheque amounting to Rs.20,000/-, wherein he was declared proclaimed person with a direction to register FIR under Section 174-A IPC, vide order dated 10.01.2020, Annexure P-2, without complying with the provisions of Section 82 Cr.P.C., wherafter the matter was compromised, pursuant whereto the said amount was paid to the complainant, and vide order dated 23.09.2021, learned Judicial Magistrate Ist Class, Karnal, granted bail to him, Annexure P-3. The afore-referred complaint itself was withdrawn during the interregnum on 14.10.2021, the statement and order whereof are Annexures P-4 and P-5. 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person by the trial Court for having absented, however, the factum of order dated 14.10.2021, whereby the complaint was withdrawn remained uncontroverted.

4. Heard.

5. It is apposite to refer to the order dated 14.10.2021 passed by learned Judicial Magistrate Ist Class, Karnal, whereby the complaint was ordered to be dismissed as withdrawn, which reads thus:

*“ File taken up on the application for withdrawal of the complaint moved by applicant/complainant.*

*Today, learned counsel for the complainant appeared and suffered a statement that as per instructions of complainant, he does not want to pursue further with the complaint and withdraws the same. Keeping in view the above statement, present complaint is dismissed as withdrawn. File be consigned to the record room after due compliance.”*

6. 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 (Cr.) 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.*

*xxx xxx xxx*

*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.”*

7. 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.”

8. In the present case, the petitioner was declared a proclaimed offender on 10.01.2020, pursuant to which the impugned FIR was registered on 02.10.2021, however, during the interregnum, the main complaint itself stood withdrawn on 14.10.2021, 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 Cr.P.C.

9. Accordingly, the present petition is allowed. FIR No.591 dated 02.10.2021, registered under Section 174-A IPC, at Police Station Karnal City, Civil Lines, and all consequential proceedings arising therefrom, are hereby quashed.

**(AMAN CHAUDHARY)**  
**JUDGE**

**09.09.2025**

**kv**

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

