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

**CRM-21980-2025 in/and
CRM-M No.42689 of 2022
Date of Decision: 27.05.2025**

Vipan Kumar and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vishal Sharma, Advocate
for the petitioners.

Mr. Sumit Jain, Addl. A.G., Haryana.

Mr. Anil K. Sokal, Advocate for
Mr. Vaibhav Jain, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J. (ORAL)

CRM-21980-2025

Instant application has been filed for preponing the date of hearing in the main case and dispose of the matter in view of the compromise arrived at between the parties.

In view of the reasons mentioned in the application, same is allowed and the main case is taken up on Board today itself.

**CRM-M No.42689 of 2022**

1. Present petition has been filed praying for quashing of FIR No.1119 dated 05.11.2018, under Section 174-A of IPC 1860, registered at Police Station Hisar Sadar, District Hisar along with all consequential proceedings arising therefrom. Further prayer has been made for staying the further proceedings before the trial Court.

2. It has been submitted by learned counsel for the petitioners that the petitioners were prosecuted in the complaint filed under Section 138 of the Negotiable Instruments Act. He has submitted that during the pendency of the trial, the petitioners were declared as proclaimed person vide impugned order dated 02.05.2018 passed by the learned Judicial Magistrate Ist Class, Hisar which is in violation of Section 82 of Cr.P.C. He has submitted that the impugned FIR bearing No.1119, dated 05.11.2018 was also registered against the petitioners. He submits that thereafter both the sides have amicably resolved the outstanding issues by way of compromise and the amount was paid to the complainant. He submits that in view of the compromise arrived, the complaint itself was dismissed as withdrawn vide order dated 26.11.2021, which is evident from Annexure P-3. He submits that once the complaint filed has been dismissed as withdrawn in view of the compromise arrived at between the parties, the prosecution of the petitioners is nothing but an abuse of process of the Court and thus, the impugned order does not survives.



3. Learned State counsel, on the other hand, has contended that the petitioners were rightly declared as a proclaimed person and pursuant to which FIR No.1119 dated 05.11.2018, under Section 174-A IPC, at Police Station Hisar Sadar, District Hisar was registered against the petitioners and the petitioners are liable to be prosecuted in the said case, as they failed to appear in the Court despite orders.

4. Learned counsel for respondent No.2 has endorsed the fact that matter has been compromised between the parties and the complainant has no objection, if the FIR under challenge is quashed.

5. I have heard counsel for the parties and perused the record. It is apparent that the present FIR was registered due to non-appearance of the petitioners in a complaint under Section 138 of the Act and they were declared as a proclaimed person vide order dated 02.05.2018. 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 petitioners, 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 their absence, the petitioners were declared as proclaimed person vide order dated 02.05.2018 and thereafter, FIR was registered. The dispute between the parties has been settled and the complaint has been withdrawn. Continuation of the proceedings under Section 174-A of IPC shall serve no purpose and would result in wastage of time. Keeping in view the above said facts, order dated 02.05.2018 and subsequent FIR No.1119 dated 05.11.2018 (Annexure P-1) registered under Section 174-A IPC, registered at Police Station Hisar Sadar, District Hisar and all the consequent proceedings arising therefrom, are hereby quashed subject to payment of Rs.10,000/- each as cost to be deposited with Day Care Centre for Elderly Disabled in home for Old & Destitute People, Sector-15, Chandigarh by the petitioners within a period of ten days from today. The petitioners are directed to file the receipt regarding deposit the costs before the Court of learned JMIC, Hisar, within a period of 20 days from today.



8. Needles to say that in case the petitioners fail to pay the cost and comply with the aforesaid direction, order dated 02.05.2018 and FIR under challenge and consequent proceedings would come in force and the present petition would be deemed to have been dismissed.

9. The petition stands disposed of. Copy of this order be sent to the concerned Court forthwith.

27.05.2025

ps-I

(RAJESH BHARDWAJ)
JUDGE

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