



CRM-M-36982-2025

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

CRM-M-36982-2025

Date of Decision: 16.07.2025

Dineshbhai M Kachhadia

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Pardeep Panwar, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition is for quashing of the impugned order dated 16.01.2023, whereby, the petitioner declared proclaimed person and quashing of FIR No.199 dated 22.01.2023 registered under Section 174-A IPC, registered at Police Station Shivaji Nagar, District Gurugram, and all other subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner has submitted that the petitioner was prosecuted in a complaint filed under Section 138 of the NI Act, however, during the pendency of the same, the petitioner was declared as proclaimed person vide impugned order dated 16.01.2023 due to his absence and the impugned FIR under Section 174-A IPC was registered against him. He submits that even otherwise both the sides have compromised their inter-se dispute. He submits that on the basis of the said compromise, the main complaint itself has also been withdrawn vide order dated 15.04.2025. He submits that as is evident from the order dated 15.04.2025 passed by learned JMIC/Presiding Officer as Special Lok Adalat, Gurugram, the complaint itself has been withdrawn. He further



submits that once the main complaint itself stands withdrawn, prosecution of the petitioner in the impugned FIR registered under Section 174-A IPC would be nothing but an abuse of the process of the law.

3. Notice of motion.

4. Mr. Sumit Jain, Addl. AG, Haryana, accepts notice on behalf of the State. He has submitted that petitioner was rightly declared as proclaimed person, pursuant to which FIR registered was registered under Section 174-A IPC, as he had failed to appear before the Court without any reasonable cause.

5. Mr. S.S. Nain, Advocate, accepts notice on behalf of respondent No.2. He has affirmed the submission made by counsel for the petitioner that the parties have compromised the dispute amicably and respondent No.2 has withdrawn the main complaint. He, thus, submits that he has no objection, if the impugned FIR as well as impugned order, are quashed.

6. 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 petitioner and he was declared as a proclaimed person vide order dated 16.01.2023. As submitted before this Court, the main complaint itself stands withdrawn.

7. 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 petitioner having been declared as proclaimed person would be nothing but an abuse of the process of law. This view was taken by the



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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.

8. So, keeping in view the above-said facts, it is clear that due to his absence, the petitioner was declared as proclaimed person and thereafter, FIR was registered. The dispute between the parties has been settled and the root cause of controversy i.e. the complaint has already been withdrawn. Continuation of the proceedings under Section 174-A IPC shall be abuse of the process of the law as the main dispute has already been resolved in view of the settlement effected between the parties. Keeping in view the law settled, FIR No.199 dated 22.01.2023 registered under Section 174-A IPC, registered at Police Station Shivaji Nagar, District Gurugram including the order dated 16.01.2023, on the basis of which, the present FIR was lodged and all the consequent proceedings arising therefrom, are quashed.

9. The petition stands disposed of.

16.07.2025
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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No