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

CRM-M-37157-2025

Date of Decision: 16.07.2025

Rinku Panchal

..... Petitioner

Versus

The State of Haryana

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Govind Chauhan, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition is for quashing of FIR No.814 dated 16.05.2023 registered under Section 174-A IPC, registered at Police Station Civil Lines Karnal, which was registered on account of non-appearance of the petitioner.

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 04.08.2021 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 He submits that on the basis of the said compromise, the main complaint itself has also been withdrawn vide order dated 27.09.2024. He submits that as is evident from the order dated 27.09.2024 passed by learned JMIC, Karnal, the complaint itself has been withdrawn. He further submits that once the main complaint itself stands withdrawn, prosecution of the petitioner in the impugned FIR registered



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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. 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 04.08.2021. As submitted before this Court, the main complaint itself stands withdrawn.

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 petitioner 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

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.814 dated 16.05.2023 registered under Section 174-A IPC, registered at Police Station Civil Lines Karnal, District Karnal including the order dated 04.08.2021, on the basis of which, the present FIR was lodged and all the consequent proceedings arising therefrom, are quashed.

8. The petition stands disposed of.

16.07.2025			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No