



CRM-M-40198-2025

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

CRM-M-40198-2025

Date of Decision: 29.07.2025

Sanjeev Kumar

..... Petitioner

Versus

Amarjit Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Tarun Sharma, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 04.07.2025 (Annexure P-3) passed by learned JMIC, Pehowa, vide which the petitioner has been declared as proclaimed person in a case bearing No.NACT No.119 of 2021 titled as Amarjit Singh vs. Sanjeev Kumar, alongwith all consequential proceedings arising therefrom.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the present case. He submits that during the pendency of the present complaint, the petitioner was declared proclaimed person vide order dated 04.07.2025. However, thereafter, both the sides have resolved their inter-se dispute and the main complaint itself has been withdrawn by complainant vide order dated 17.07.2025. He submits that the absence of the petitioner was totally unintentional and beyond his control. He thus, submits that when the main root of controversy i.e. the complaint already stands withdrawn, the order dated 04.07.2025, deserves to be set aside.

3. Notice of motion.

4. Mr. Sumit Jain, Addl. AG, Haryana, accepts notice on behalf of the State. He has submitted that learned trial Court has rightly declared the petitioner as proclaimed person, as he intentionally did not appear before the



trial Court on several dates of hearing.

5. I have heard counsel for the parties and perused the record. It is apparent that due to non-appearance of the petitioner, he was declared as a proclaimed person vide order dated 04.07.2025. As submitted before this Court, the main complaint itself stands withdrawn.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 proceedings 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 on 04.07.2025. The dispute between the parties has been settled and the root cause of controversy i.e. the complaint has already been withdrawn. Keeping in view the law settled, the order dated 04.07.2025 is set aside subject to payment of Rs.10,000/- to be paid by the petitioner to **Spinal Rehab Centre, Chandigarh, Plot No.1, Madhya Marg, Sector-28-A, Chandigarh** within a period of seven days from today. The petitioner is directed to file the receipt regarding deposit the costs before the Court of learned JMIC, Pehowa within a period of 15 days from today.



8. Needles to say that in case the petitioner fails to pay the costs and comply with the aforesaid direction, the order under challenge 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.

29.07.2025
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No