



133

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

**CRM-M No.40977 of 2025
Date of Decision: 31.07.2025**

Atul Kumar Patel @ Patel Atulkumar

..... Petitioner

Versus

M/s India Infoline Housing Finance and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for quashing of criminal complaint No.10126/2016 (Annexure P-1) filed by respondent No.1 and order dated 22.10.2018 (Annexure P-2) passed by the learned Judicial Magistrate Ist class, Gurugram whereby the petitioner has been declared as proclaimed offender and further for quashing of FIR No.0997, dated 14.11.2018 (Annexure P-3), under Section 174-A of IPC (Section 209 of BNS, 2023), registered at Police Station Shivaji Nagar, District Gurugram and also to quash the subsequent proceedings.

2. It has been submitted by learned counsel for the petitioner that the petitioner was prosecuted in the complaint filed under Section 138 of the Negotiable Instruments Act. He has submitted that during the pendency of the trial, the petitioner was declared as proclaimed offender



vide impugned order dated 22.10.2018 passed by the learned Judicial Magistrate Ist Class, Gurugram which is in violation of the provisions of Section 82 of Cr.P.C. He has further submitted that thereafter the impugned FIR under Section 174-A of IPC (Section 209 BNS) was registered against the petitioner. He has submitted that the petitioner was never issued the summons nor any notice was ever served to the petitioner. He has submitted that the complaint filed against the petitioner had already been withdrawn in the Lok Adalat vide order dated 14.09.2019 and thus, the prayer regarding quashing of the complaint does not survive. He has submitted that once the complaint itself has been withdrawn, the PO proceedings & FIR against the petitioner would be nothing but an abuse of the process of the Court and thus, the same deserves to be set aside.

3. Notice of motion to official respondent No.1 at this stage.

4. On the asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana accepts notice on behalf of the respondent-State. He, on the other hand has contended that the petitioner was rightly declared as a proclaimed offender and pursuant to which FIR No.0997, dated 14.11.2018 (Annexure P-3), under Section 174-A of IPC (Section 209 of BNS, 2023), at Police Station Shivaji Nagar, District Gurugram was registered against the petitioner and the petitioner is liable to be prosecuted in the said case, as he had failed to appear in the Court despite orders.

5. I have heard counsel for the parties and perused the record.



6. It is apparent that the present FIR was registered due to non-appearance of the petitioner in a complaint case filed under Section 138 of the Negotiable Instruments Act and he was declared as a proclaimed offender in the proceedings under the Negotiable Instruments Act. Thereafter, FIR No.0997, dated 14.11.2018 (Annexure P-3), under Section 174-A of IPC (Section 209 of BNS, 2023), at Police Station Shivaji Nagar, District Gurugram was registered against the petitioner. The matter has been compromised and the impugned complaint has already been dismissed as withdrawn vide order dated 14.09.2019.

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 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 and the law settled, continuation of the proceedings under Section 209 of BNS, 2023 shall be abuse of the process of the Court. Consequently, the present petition is disposed of and impugned order dated 22.10.2018 passed in criminal



Complaint No.10126/2016 whereby the petitioner was declared as Proclaimed Offender by the learned Judicial Magistrate Ist Class, Gurugram along with all subsequent proceedings arising out of the same including the impugned FIR No.0997, dated 14.11.2018 (Annexure P-3), under Section 174-A of IPC (Section 209 of BNS, 2023), registered at Police Station Shivaji Nagar, District Gurugram, are hereby quashed.

31.07.2025
rittu

(RAJESH BHARDWAJ)
JUDGE

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