

CRM-M-54994-2023 (O & M) 2025:PHHC:108611



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(278)

CRM-M-54994-2023 (O & M)
Date of decision:19.08.2025

Rahul Soni

..... Petitioner

V/s

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Mohit Kakkar, Advocate, for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of the order dated 03.04.2023 whereby the petitioner was declared a proclaimed person and the FIR No.360 dated 14.04.2023 under Section 174-A IPC registered at Police Station Civil Lines, Sirsa, District Sirsa (P-1) and all subsequent proceedings arising therefrom because the main *lis* i.e. complaint bearing No.NACT/530/2022 dated 28.03.2023 under Section 138 of the N.I. Act stands settled.

2. The brief facts of the case are that a complaint under Section 138 of Negotiable Instruments Act was instituted against the accused-petitioner/Rahul Soni at the instance of the complainant/respondent No.2-Anish Arora. As the petitioner/accused- Rahul Soni did not appear before the Trial Court to face trial, he was declared as a proclaimed person vide



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impugned order dated 03.04.2023. Subsequently, the FIR No. 360 dated 14.04.2023 under Section 174-A IPC registered at Police Station Civil Lines, Sirsa, District Sirsa (P-1) came to be registered against the petitioner.

3. Subsequently, the petitioner/accused-Rahul Soni approached to the complainant-respondent No.2/Anish Arora and compromised the matter. Thereafter, on 03.07.2023, the complainant-respondent No.2/Anish Arora moved an application for withdrawal of the complaint under Section 138 N.I. Act as the matter was settled between the parties. Therefore, the Trial Court passed an award in terms of the compromise effected between the parties and the file was consigned to the record room. In view of the award/order dated 03.07.2023 passed by the Trial Court based on the compromise effected between the parties, the present petition has been filed for quashing of the aforesaid impugned order dated 03.04.2023, the FIR No.360 dated 14.04.2023 under Section 174-A IPC registered at Police Station Civil Lines, Sirsa, District Sirsa (P-1) and all other subsequent proceedings arising therefrom.

4. The learned counsel for the petitioner submits that the matter was compromised between the parties. On 03.07.2023, the complainant moved an application for withdrawal of the complaint under Section 138 of the N.I. Act before the Trial Court as a compromise has been effected and prayed that an award be passed accordingly. Based on the said application, the Trial Court passed an award in terms of the compromise arrived at between the parties vide order dated 03.07.2023.



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5. The learned State counsel has opposed the present petition and has submitted that the FIR had been correctly registered.

6. I have heard the learned counsel for the parties and perused the paper-book.

7. From the above-said facts and circumstances, it is apparent that the present FIR was registered during the pendency of the proceeding under Section 138 of the Negotiable Instruments Act. An award has been passed in complaint under Section 138 of the Negotiable Instruments Act on the basis of a compromise effected between the parties.

8. A co-ordinate Bench of this Court in **CRM-M-43813-2018** titled as “**Baldev Chand Bansal vs. State of Haryana and another**”, decided on 29.01.2019 has held as under:-

“Prayer in this petition is for quashing of FIR No.64 dated 15.02.2017 filed under Section 174-A of the Indian Penal Code registered at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof as well as order dated 24.10.2016 passed by the trial Court vide which a direction was issued to register the aforesaid FIR.

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*Learned counsel for the petitioner has relied upon the decisions rendered by this Court in “ **Vikas Sharma vs. Gurpreet Singh Kohli and another (supra)**, 2017, (3) L.A.R.584, **Microqual Techno Limited and others Vs. State of Haryana and another**, 2015 (32) RCR (CrI.) 790 and “**Rajneesh Khanna Vs. State of Haryana and***



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another” 2017(3) L.A.R. 555 wherein in an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the process of law.

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In view of the same, I find merit in the present petition and accordingly, present petition is allowed and the impugned order dated 24.10.2016 passed by Judicial Magistrate, 1st Class, Panchkula as well as FIR No.64 dated 15.02.2017 registered under Section 174-A of the Indian Penal Code at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof, are hereby quashed.”

9. A perusal of the above judgment would show that in a similar case where the FIR had been registered under Section 174-A IPC in view of the order passed in proceedings under Section 138 of the Act, while declaring the petitioner therein as a proclaimed offender, a co-ordinate Bench after relying upon various judgments observed that once the main petition under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, the continuation of proceedings under Section 174-A IPC is nothing but an abuse of the process of law. The said aspect was one of the main considerations for allowing the petition and setting aside the order declaring the petitioner therein as a proclaimed person as well as for quashing of the FIR under Section 174-A IPC.



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10. Another co-ordinate Bench of this Court in a case titled as “*Ashok Madan vs. State of Haryana and another*” reported as 2020(4) RCR (Criminal) 87 has also held as under:-

“No doubt, the learned counsel for the respondent has vehemently argued that the offence under Section 174A I.P.C. is independent of the main case, therefore, merely because the main case has been dismissed for want of prosecution, the present petition cannot be allowed, however, keeping in view the fact that the present FIR was registered only on account of absence from the proceedings in the main case which had been subsequently regularised by the court while granting bail to the petitioner, the default stood condoned. In such circumstances, continuation of proceedings under Section 174A I.P.C. Shall be abuse of the process of court.

7. Accordingly, the petition is allowed. FIR No.446 dated 21.08.2017, registered under Section 174A I.P.C. At Police Station Kotwali, District Faridabad, as well as consequential proceedings shall stand quashed.”

11. A perusal of the relevant extract of the above judgment would show that where the main case was dismissed for want of prosecution, it was observed that the continuation of proceedings under Section 174-A IPC shall be an abuse of the process of court. A similar view has been expressed by this Court in “Anil Kumar Versus Jitender Kumar and another, CRM-M-5878-2022 decided on 06.04.2022”, “Anil Kumar Versus Jitender Kumar and another, CRM-M-5755-2022 decided on 06.04.2022” and “Varinder

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Kumar @ Virender Kumar Versus State of Haryana and another, CRM-M-42551-2021 decided on 19.04.2022”.

12. In the present case the proceedings under Section 138 of the Negotiable Instruments Act have culminated in a settlement on the basis of which an award dated 03.07.2023 has been passed by the Trial Court.

13. In view of the above, the present petition is allowed and subject to a deposit of Rs.25,000/- as costs with the Sadhna Society for the Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building Manimajra, Sector 13, Chandigarh, the impugned order dated 03.04.2023, FIR No.360 dated 14.04.2023 under Section 174-A IPC registered at Police Station Civil Lines, Sirsa, District Sirsa (P-1) and all other subsequent proceedings arising therefrom are hereby quashed qua the petitioner only.

(JASJIT SINGH BEDI)
JUDGE

August 19, 2025
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No