

285

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:156770



CRM-M-50524-2025 (O&M)
Date of decision: 12.11.2025.

SATISH KUMAR

...Petitioner(s)

VERSUS

M/S INDIABULLS HOUSING FINANCE LIMITED AND ANOTHER

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Arav Gupta, Advocate,
for the petitioner.

Mr. Onkar Singh Wahla, Sr. DAG, Haryana,
for respondent No.2.

Ms. Roja Agnihotri, Advocate, (Legal-aid-counsel)
for the respondent No.1.

VINOD S. BHARDWAJ, J. (Oral)

Seeking quashing of the order dated 06.10.2023 passed by the
Judicial Magistrate First Class, Gurugram, in complaint case bearing NACT
No.8015 of 2018 filed under Section 25 of the Payment and Settlement
Systems Act, 2007, titled as 'India Bulls Housing Finance Limited Vs.
Satish Kumar' declaring the petitioner as a proclaimed person and the

consequential FIR bearing No.2514 dated 25.10.2023, under Section(s) 174-A of the Indian Penal Code, 1860 at Police Station Shivaji Nagar, Gurugram, along with all the consequential proceedings arising therefrom, the instant petition has been filed.

2 There is no representation on behalf of the respondent No.1 despite service. Hence, Ms. Roja Agnihotri, is appointed as legal-aid-counsel to assist this Court on behalf of respondent No.1. She has gone through the paper book and has made her submissions.

3 Reply filed by way of an affidavit of Vishnu Prasad, HPS, Assistant Commissioner of Police, City, Gurugram, on behalf of respondent No.2-State is taken on record. A copy thereof has been supplied to the counsel for the parties.

4 Learned counsel appearing on behalf of the petitioner submits that the aforesaid impugned order dated 06.10.2023 was passed in the complaint case bearing NACT No.8015 of 2018 filed under Section 25 of the Payment and Settlement System Act, 2007, titled as 'India Bulls Housing Finance Limited Vs. Satish Kumar' by the respondent No-1-complainant. The petitioner was declared as a proclaimed person since he failed to appear before the trial Court. He submits that the petitioner could not appear as he had no knowledge of the proceedings. He submits that post the lockdown,ailable warrants were first issued on 30.03.2022 and thereafter non-ailable warrants were issued against the petitioner vide order dated 15.03.2023, however, the reports clearly show that the petitioner was not residing at the address given by the complainant and that he was not served even once. He submits that be that as it may, the dispute amongst the

parties has been resolved amicably. The complaint was thereafter withdrawn by the complainant.

5 Counsel places on record certified copy of the order dated 03.11.2025 (taken on record as Mark 'X') which shows that the complaint case bearing NACT No.8015 of 2018 filed under Section 25 of the Payment and Settlement System Act, 2007, titled as 'India Bulls Housing Finance Limited Vs. Satish Kumar' stands dismissed as withdrawn. He submits that since the main complaint already stands dismissed as withdrawn, the present petition too deserves to be allowed and the order dated 06.10.2023 declaring the petitioner as a proclaimed person as well the subsequent FIR bearing No.2514 dated 25.10.2023, under Section(s) 174-A of the Indian Penal Code, 1860 registered at Police Station Shivaji Nagar, Gurugram, along with all the consequential proceedings be quashed.

6 Ms. Roja Agnihotri, legal-aid-counsel concedes to the fact that as per the order, the main complaint case itself stands withdrawn as is evident from the certified copy of the order dated 03.11.2025 (Mark 'X'). She contends that offence being independent, petitioner can still be tried for the same. She does not have any serious objection to the quashing of the order dated 06.10.2023 declaring the petitioner as a proclaimed person as well as subsequent registration of the FIR along with all the consequential proceedings since the dispute was settled amongst the parties.

7 State counsel also does not have any serious objection to the same.

8 I have heard learned counsel for the parties and have gone through the documents. Undisputedly, the parties have already compromised

the matter and the complaint case bearing NACT No.8015 of 2018 filed under Section 25 of the Payment and Settlement System Act, 2007, titled as 'India Bulls Housing Finance Limited Vs. Satish Kumar' has already been dismissed as withdrawn vide dated 03.11.2025. Continuation of proceedings that arise from the original complaint even after such complaint having already been dismissed as withdrawn and despite the principal dispute itself has been resolved would be a drain on judicial time. The object of the order and the proceedings being subservient to the main proceedings and intended to procure presence of the accused so as to conclude the proceedings, continued incarceration for ancillary and incidental proceedings would act as a deterrent to dispute resolution as well.

9 Having heard the learned counsel for the parties and taking into consideration the facts noticed above, I am of the opinion that the subsistence and continuance of the order dated 06.10.2023 declaring the petitioner as a proclaimed person culminating into subsequent registration of FIR bearing No.2514 dated 25.10.2023, under Section(s) 174-A of the Indian Penal Code, 1860 at Police Station Shivaji Nagar, Gurugram and the consequential proceedings arising therefrom are not likely to advance any substantial interest of justice.

10 Consequently, the present petition is allowed. The order dated 06.10.2023 declaring the petitioner a proclaimed person along with consequential FIR bearing No.2514 dated 25.10.2023, under Section(s) 174-A of the Indian Penal Code, 1860 registered at Police Station Shivaji Nagar, Gurugram and all the consequential proceedings arising therefrom, are hereby quashed.

11 A copy of this order be also sent to the High Court Legal Services Committee, for further necessary action.

November 12, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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