



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

115

CRM-M-51397-2025 (O&M)

Date of decision: 12.09.2025

Kamini

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Garvit Mittal, Advocate for the petitioner

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition filed under Section 528 of BNSS for quashing of FIR No.0113 dated 01.04.2021, under Section 174-A IPC, registered at Police Station Madhuban, District Karnal and all the consequential proceedings arising therefrom.

2. Learned counsel contends that the petitioner was summoned in a complaint filed under Section 138 NI Act, however, he has not aware of the pendency thereof as also no notice/summons have ever been served. Consequently, due to his non-apperance, has wrongly been declared proclaimed person, vide order dated 01.04.2020, Annexure P-2, since mandatory provision of Section 82 Cr.P.C. has not been complied with, consequent to which present FIR was registered under Section 174-A IPC. However, compromise was arrived at between the parties and therefore the complaint itself was ordered to be withdrawn vide order dated 08.06.2022, Annexure P-3. Thus, the submission made is that continuation of the present proceedings would amount to abuse of process of Court.



3. Notice of motion.

4. On the asking of the Court, Mr. B.S. Saroha, DAG Haryana, accepts notice on behalf of the respondent-State and submits that the FIR was rightly registered as the petitioner was declared proclaimed person by the trial Court for having absented, however, the factum of order dated 08.06.2022, whereby the complaint was withdrawn remained uncontroverted.

5. There is no necessity of impleading the complainant for seeking any response, in view of the aforesaid order of compromise, whereby the complaint stands withdrawn by him.

6. Heard.

7. It is apposite to refer to the order dated 08.06.2022, passed by the trial Court, whereby the complaint in question itself was ordered to be dismissed as withdrawn, which reads thus:

“Today the case was fixed for making remaining payment. At this stage, complainant suffered a statement that he has received full amount from accused and he does not want to proceed further with the present complaint, same may kindly be dismissed as withdrawn. He also stated that he will remain bound to appear in court regarding this case, if required. Heard. Keeping in view the above statement of the complainant, present complaint is hereby dismissed as withdrawn. File be consigned to record room after due compliance.”

8. In **Baldev Chand Bansal vs. State of Haryana and another**, CRM-M-43813-2018, decided on 29.01.2019, this Court quashed the FIR registered under Section 174-A IPC in pursuance of the settlement arrived at between the parties, and held thus:

“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 (Crl.) 790 and "Rajneesh Khanna Vs. State of Haryana and 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.

XXX XXX XXX

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. In similar set of facts and circumstances, while placing reliance on the judgments of **Microqual Techno Ltd. vs. State of Haryana**, 2015 (32) RCR (Criminal) 790; **Rajneesh Khanna vs. State of Haryana and another**, 2017 (3) L.A.R. 555, CRM-M32612 of 2020, **Surender Singh vs. State of Haryana and another** decided on 12.01.2021, the proceedings initiated under Section 174-A IPC, were quashed by this Court in the case of **Murli Jha vs. State of Haryana** 2021(3) R.C.R.(Criminal) 563, by observing therein that, "I have considered the rival submissions of the parties. The FIR is an outcome of the order declaring the petitioner as a proclaimed person in proceedings initiated under section 138 of NI Act which stands settled, the complaint has been withdrawn and the proceedings against the accused petitioner were dropped. In such circumstances, the continuation of prosecution under Section 174-A IPC in pursuance to orders passed by the trial Court cannot be permitted to continue."

10. In the present case, the petitioner was declared a proclaimed person on 04.01.2020, pursuant to which the impugned FIR was registered on

01.04.2021, however, during the interregnum, the main complaint itself stood withdrawn on 08.06.2022, hence this Court finding that continuation with the proceedings in question would amount to an abuse of the process of the Court, thus, in light of the judgment in **Ramesh Chandra vs. State of U.P.**, 2022 SCC OnLine SC 1634, the FIR is liable to be quashed, in exercise of power under Section 482 CrPC.

11. Considering the aforesaid facts and circumstances of the case and the decisions referred, this Court finds that the continuation of proceedings against the petitioner pursuant to FIR in question, would be an abuse of process of law. Accordingly, the present petition is allowed and FIR No.0113 dated 01.04.2021, under Section 174-A IPC, registered at Police Station Madhuban, District Karnal, is quashed.

(AMAN CHAUDHARY)
JUDGE

12.09.2025
M.Kamra

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