



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-54924-2019 (O&M)

Date of decision: 16.09.2025

Anil Saini

...Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

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

Present :- Mr. Sajan, Advocate for
Mr. Rajesh Goyal, Advocate for the petitioner(s).

Mr. Vivek Chauhan, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. The present petition has been filed by the petitioner seeking quashing of the case bearing FIR No.435 dated 08.09.2019 under Section 174-A of IPC, 1860 registered at Police Station Safidon, District Jind and order dated 01.07.2019 whereby the petitioner was declared as a proclaimed offender in the complaint titled 'Rajinder Singh vs. Anil Saini' bearing No. NACT/76/2016, under Section 138 NI Act, on the ground that the matter has been compromised between the private parties in the aforesaid criminal complaint and the said complaint already stands dismissed as withdrawn vide order dated 29.11.2019 (Annexure P-2).

2. Briefly summarised, the facts of the instant case are that as alleged, the petitioner had borrowed a sum of Rs.10 lakh from the complainant and in discharge of his said liability, the petitioner issued a cheque bearing No.099073 dated 27.08.2014 for the said amount, which was



dishonoured and a complaint under Section 138 of the Negotiable Instruments Act, 1881 was filed by the complainant. In the said complaint, the petitioner was declared as a proclaimed offender vide order dated 01.07.2019 passed by the learned Judicial Magistrate 1st Class, Safidon and FIR No.435 dated 08.09.2019 under Section 174-A of IPC, 1860 at Police Station Safidon, District Jind was registered. Thereafter, a compromise was effected between the parties in complaint under Section 138 of the Negotiable Instruments Act, 1881 and on the statement of the complainant, the complaint stands dismissed as withdrawn vide order dated 29.11.2019.

3. In support of his submissions, learned counsel for the petitioner has placed reliance on a judgment passed by co-ordinate Bench of this Court in the case of ***Hitesh H. Shah versus State of Haryana and another (CRM-M-12034-2022, decided on 13.07.2022)***, and submits that case of petitioner is identical on facts and law to that of the referred judgment.

4. It is clear that dispute between private parties regarding cheque amount has already been resolved, inasmuch as, main petition stands withdrawn by the complainant himself on 29.11.2019, as already noticed above.

5. In ***Baldev Chand Bansal v. State of Haryana and another (CRM-M-43813-2018, decided on 29.01.2019)***, a co-ordinate Bench of this Court 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 (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.

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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.”

6. A perusal of the above judgment would show that in a similar case where FIR was registered under Section 174-A IPC pursuant to an order passed by the Trial Court in proceedings under Section 138 of the Negotiable Instruments Act, 1881, while declaring petitioner therein as 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,



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 consideration for allowing the petition and setting aside the order declaring the petitioner therein as proclaimed person as well as quashing of FIR under Section 174-A IPC.

7. Another co-ordinate Bench of this Court in a case titled as ***Ashok Madan versus 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.

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.”

8. Reiterating the same principle, in case of ***Hitesh H. Shah (supra)***, continuation of proceedings under Section 174-A IPC were held to be abuse of the process of law, once main dispute between the parties has already ended.



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9. Under these circumstances, once the very complaint case under Section 138 of the Negotiable Instruments Act, 1881, filed against the present petition stands withdrawn, on the basis of compromise, continuation of FIR No.435 dated 08.09.2019 under Section 174-A of IPC, 1860 registered at Police Station Safidon, District Jind, is nothing but an abuse of process of law. In this regard reliance can also be placed upon judgment rendered by this Court in the case of ***Microqual Techno Limited and others versus State of Haryana and another***, which has also been followed in ***Jitender Singh versus State of Haryana and another (CRM-M-47891-2021, decided on 16.11.2021)***.

10. Accordingly, this petition is ***allowed*** and FIR No.435 dated 08.09.2019 under Section 174-A of IPC, 1860 registered at Police Station Safidon, District Jind, along with all subsequent proceedings emanating therefrom, are quashed qua the petitioner herein. However, the same would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioner with the “Haryana State Disaster Response Fund, Account No. 39681102475, State Bank of India, New Haryana Civil Secretariat Branch, Sector-17 Chandigarh, IFSC: SBIN0010603”, within two months from receipt of certified copy of this order.

(VINOD S. BHARDWAJ)
JUDGE

16.09.2025

Mangal Singh

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