

**CRM-M-11529-2026****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(164)****CRM-M-11529-2026****DATE OF DECISION: 17.03.2026**

Pardeep Kumar

.....Petitioner

VERSUS

Sukhwinder Kaur and State of Punjab

.....Respondents

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Rajeev K. Kapila, Advocate, for the petitioner.
Mr. Raman Kumar, Advocate, for respondent no.1.
Ms. Alisha Soni, AAG, Punjab.

SUBHAS MEHLA, J (ORAL)

1. Present petition has been filed under Section 528 of BNSS for quashing of impugned order dated 12.04.2023 (Annexure P-3), passed by learned Judicial Magistrate Ist Class, Dasuya, vide which the petitioner has been declared a Proclaimed Person in case CIS No.NACT-330-2019, titled as 'Sukhwinder Kaur versus Pardeep Kumar' filed under Section 138 of Negotiable Instruments Act (Annexure P-1).

2. Learned counsel for the petitioner contends that husband of the complainant/respondent no.2 wanted to go abroad and petitioner had given assurance to arrange his visa for Canada and had taken an amount of Rs.27,00,000/-. However, petitioner failed to discharge his duty, and issued two cheques in favour of complainant to return the amount given by complainant, which, on presentation in bank were dis-honoured and subsequently the complaint under Section 138 of Negotiable Instruments Act was filed. Thereafter, a compromise was effected qua the main complaint under Section 138 of Negotiable Instruments Act, which is duly

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recorded in order passed by learned Judicial Magistrate Ist Class, dated 06.11.2025 (Annexure P-4) and the complaint was dismissed as withdrawn vide order dated 24.11.2025 (Annexure P-5). That between 2019-2025, petitioner was residing in Austria i.e abroad, due to which he was not properly served and eventually declared proclaimed person. It is further submitted that owing to residing outside India, petitioner was never served with summons considering that main complaint has already been dismissed as withdrawn, no purpose would be served by continuing the proceedings which are misuse of process of law.

3. Notice of motion.

4. In pursuance of advance notice, Ms. Alisha Soni, AAG, Punjab, appeared and submitted that vide order dated 12.04.2023 (Annexure P-3), passed by learned Judicial Magistrate Ist Class, Dasuya, petitioner has been declared a Proclaimed Person in case CIS No.NACT-330-2019, titled as 'Sukhwinder Kaur versus Pardeep Kumar' filed under Section 138 of Negotiable Instruments Act, but admitted that the complaint in question was already dismissed as withdrawn in lieu of compromise between the parties.

5. Mr. Raman Kumar, Advocate, appeared on behalf of complainant/respondent no.2 and filed his *vakalatnama*, same is taken on record. Learned counsel admitted that compromise has been effected between the parties and the main complaint has already been dismissed as withdrawn and he has no objection if imugned order is quashed.

6. Heard.

7. The inherent jurisdiction under Section 528 BNSS, 2023 / Section 482 Cr.P.C., 1973 is primarily aimed at preventing abuse of judicial



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process and securing the ends of justice. Thus, when the dispute is entirely personal in nature and a genuine compromise has been reached, the High Court may intervene to quash the criminal proceedings, recognizing the continuation thereof would be non-productive and unjust in the given circumstances.

8. Keeping in view the fact that complaint before the trial Court has been dismissed as withdrawn, continuation of the proceedings arising from the impugned order would be an abuse to the process of law. Hence, present petition is **allowed** and the order dated 2.04.2023 (Annexure P-3) is hereby quashed subject to payment of cost of Rs.50,000/- to be deposited with Indian Red Cross Society having account No.3578152035, Central Bank of India, Sector 17-B, Chandigarh, IFSC CBIN0280412.

9. Petitioner is directed to place on record the copy of receipt of cost on the file within a period of one month. It is made clear that if the petitioner fails to place on record the copy of receipt, this petition shall be deemed to be dismissed.

10. Pending application(s), if any, shall also stand disposed off.

17.03.2026
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(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No