



CRM-M-15723-2024

-1-

**142 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-15723-2024

Date of Decision: 15.01.2026

Parmod Kumar

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Durgesh, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Mr. Abhinav, Advocate, for respondent No.2.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition is for quashing of FIR No.63 dated 20.02.2020 registered under Section 174-A IPC, registered at Police Station Ram Nagar, Karnal and the order dated 17.01.2020 passed by learned JMIC, Karnal, vide which the petitioner has been declared proclaimed person in NACT No.619 dated 15.02.2019 titled as Sudershan Lal Sharma vs. Parmod Chugh, filed by respondent No.2, under Section 138 of the Negotiable Instruments Act, 1881 and vide which direction was issued to the concerned police Station to register the FIR.

2. Learned counsel for the petitioner has submitted that the petitioner was prosecuted in a complaint filed under Section 138 of the NI Act, however, during the pendency of the same, the petitioner was declared as proclaimed person vide impugned order dated 17.01.2020 due to his absence and the impugned FIR under Section 174-A IPC was registered against him. He submits that even otherwise both the sides have



CRM-M-15723-2024

-2-

compromised their inter-se dispute. He submits that on the basis of the said compromise, the main complaint itself has also been withdrawn vide order dated 21.07.2022. He submits that as is evident from the order dated 21.07.2022 passed by learned Presiding Officer, Daily Lok Adalat-cum-JMIC, Karnal, the complaint itself has been withdrawn. He further submits that once the main complaint itself stands withdrawn, prosecution of the petitioner in the impugned FIR registered under Section 174-A IPC would be nothing but an abuse of the process of the law.

3. Learned counsel for respondent No.2 has affirmed the submission made by counsel for the petitioner that the parties have compromised the dispute amicably and respondent No.2 has withdrawn the main complaint. He, thus, submits that he has no objection, if the impugned FIR as well as impugned order, are quashed.

4. I have heard counsel for the parties and perused the record. It is apparent that the present FIR was registered due to non-appearance of the petitioner and he was declared as a proclaimed person vide order dated 17.01.2020. As submitted before this Court, the main complaint itself stands withdrawn.

5. This Court time and again has held that when the main proceedings under Section 138 of NI Act stand compromised, then the continuation of FIR and proceedings under Section 174-A of IPC on account of petitioner having been declared as proclaimed person would be nothing but an abuse of the process of law. This view was taken by the coordinate Bench of this Court in a case titled as “**Ashok Madan vs. State of Haryana and another**” reported as 2020(4) RCR (Criminal) 87, “**Anil**



CRM-M-15723-2024

-3-

Kumar Versus Jitender Kumar and another”, CRM-M-5878- 2022 decided on 06.04.2022 and **“Varinder Kumar @ Virender Kumar Versus State of Haryana and another”**, CRM-M-42551-2021 decided on 19.04.2022.

6. So, keeping in view the above-said facts, it is clear that due to his absence, the petitioner was declared as proclaimed person and thereafter, FIR was registered. The dispute between the parties has been settled and the root cause of controversy i.e. the complaint has already been withdrawn. Continuation of the proceedings under Section 174-A IPC shall be abuse of the process of the law as the main dispute has already been resolved in view of the settlement effected between the parties. Keeping in view the law settled, FIR No.63 dated 20.02.2020 registered under Section 174-A IPC, registered at Police Station Ram Nagar, Karnal alongwith the order dated 17.01.2020, on the basis of which, the present FIR was lodged and all the consequent proceedings arising therefrom, are quashed.

7. The petition stands disposed of.

15.01.2026
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No