



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-19397-2023 (O&M)

Date of decision: 06.05.2026

Dileep Shahul Hameed

...Petitioner(s)

VERSUS

State of Haryana and another

...Respondent(s)

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

Present :- None for the petitioner(s).

Mr. Onkar Singh Wahla, Sr. DAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing impugned summoning order dated 18.07.2017 (Annexure P-1) passed by the Judicial Magistrate Ist Class, Gurugram in the Complaint No.NACT/ 7927/ 2017 titled as “India Bulls Housing Finance Ltd. v/s Dileep Shahul Hameed” under Section 138 of Negotiable Instruments Act, 1881 read with Section 25 of the Payment and Settlement System Act, 2007 and the impugned order dated 16.10.2019 (Annexure P2) whereby the petitioner has been declared Proclaimed Person and proceedings under Section 174-A of IPC have been initiated against him resulting in registration of F.I.R. No.2240 dated 11.11.2019 under Section 174-A of IPC, at Police Station Shivajit Nagar, Gurugram and all other consequential proceedings arising therefrom.
2. There is no representation on behalf of the petitioner.
3. Reply by way of affidavit dated 03.05.2026, on behalf of

respondent(s)-State, has been filed by the learned State counsel today in the Court and the same is taken on record.

4. Vide order 20.04.2023 passed by this Court, the petitioner was directed to surrender before the trial Court with a further direction to the trial Court to enlarge the petitioner on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of trial court till the next date of hearing subject to payment of costs of Rs.25,000/- to be deposited in the Pb. & Hry. High Court Lawyers Welfare Association Fund, Chandigarh.

5. Learned State counsel contends that as per the aforesaid reply, pursuant to the order dated 20.04.2023, the petitioner surrendered before the trial Court and was thereafter released on interim bail. He further submits that on 30.08.2024, Authorized Representative, namely, Arun Kumar for the complainant Company has already got recorded his statement to the effect that he has received the DD amounting to Rs.1,36,941/- and has also received an amount of Rs.4,000/- towards litigation expenses, therefore, he does not want to proceed further with the complaint. On the basis of the said statement, the main complaint itself stands dismissed as withdrawn on the said date itself.

6. I have heard the learned State counsel and have gone through the documents available on file as well as the reply filed on behalf of the respondent-State.

7. It is clear that dispute between private parties regarding cheque amount has already been resolved, inasmuch as, the main petition stands withdrawn by the original complainant himself on 30.08.2024, as already noticed above.

8. 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.”

9. 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.

10. 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.”

11. Reiterating the same principle, in case of ***Hitesh H. Shah***

versus State of Haryana and another (CRM-M-12034-2022, decided on 13.07.2022), 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.

12. 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 F.I.R. No.2240 dated 11.11.2019 under Section 174-A of IPC, 1860 registered at Police Station Shivajit Nagar, Gurugram, is nothing but an abuse of process of law.

13. Accordingly, this petition is ***allowed*** and F.I.R. No.2240 dated 11.11.2019 under Section 174-A of IPC, registered at Police Station Shivajit Nagar, Gurugram, along with all subsequent proceedings emanating therefrom, are quashed qua the petitioner herein.

(VINOD S. BHARDWAJ)
JUDGE

06.05.2026

Mangal Singh

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