



CRM-M-19642-2023 (O&M)

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

137-1

CRM-M-19642-2023 (O&M)

Date of Decision: 13.01.2026

SHAILESH KUMAR RAI**....PETITIONER***Versus***STATE OF HARYANA****....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present: Mr. Rajesh Lamba, Advocate with
Mr. Abhinav Kaushik, Advocate for the petitioner.

Mr. Karan Veer Singh, Sr. DAG, Haryana.

SUBHAS MEHLA, J (ORAL)

1. The present petition has been filed under Section 482 of Criminal Procedure Code, 1973 (Cr.P.C.) for quashing of FIR No.1339 dated 30.08.2022 (Annexure P-1) under Section 174-A of IPC registered at Police Station Shivaji Nagar, District Gurugram along with all other consequential proceedings arising therefrom.

2. Learned counsel for the petitioner contends that the present FIR is the outcome of a criminal complaint filed against the petitioner under Section 138 of the Negotiable Instruments Act. He further submits that the petitioner was declared proclaimed person vide order dated 22.03.2022 and in pursuance thereto FIR No.1339 dated 30.08.2022 under Section 174-A IPC was registered. He further contends that the complainant appeared before the

learned Judicial Magistrate Ist Class concerned and made a statement and the



complaint was withdrawn by the complainant. He has also referred to the statement given by the complainant and the order of the trial Court dated 24.03.2023 (Annexure P-3), in this regard. Therefore, learned counsel for the petitioner prays for quashing of the present FIR as the continuation of proceedings under Section 174-A IPC would be an abuse of process of law. He has relied upon the orders passed by this Hon'ble Court in CRM-M-4714-2021 titled as "**Anil Kumar Vs. State of Haryana and Another**", decided on 13.09.2024 wherein the FIR registered under Section 174-A IPC has been quashed.

3. On the other hand, learned State counsel submits that the petitioner was rightly declared as proclaimed person, pursuant to which FIR was registered against him under Section 174-A IPC as he had failed to appear before the Court without any reasonable cause.

4. This Court has heard learned counsel for the parties and has carefully gone through the material available on record.

5. By way of the instant petition, the petitioner is seeking quashing of the present FIR registered under Section 174-A IPC on the ground that the initial complaint bearing NACT/7839 of 2018 titled as "Mahender Singh Vs. Shailesh Kumar Rai" has been withdrawn and the continuation of proceedings under Section 174-A IPC would be an abuse of process of law.

6. Learned counsel for the petitioner has placed reliance upon the orders dated 20.07.2022 and 24.08.2022 respectively, passed by a Coordinate

Bench of this Court in CRM-M-46062-2017, titled as "**Jatin Dhawan and**



another V. State of Haryana and another” and CRM-M-12534, titled as “**Krishan Kumar V. State of Haryana and another**”, wherein it has been held that once the main case is dismissed as withdrawn the continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.

7. A Coordinate Bench of this Court in the case of **Deepak versus State of Haryana and another**, bearing CRM-M-14623-2021, decided on 17.02.2022., has held as under:-

“An affidavit was also filed by respondent No.2, which has been annexed as Annexure R-1, wherein in para 4 of the same, it has been stated that respondent No.2-Bank has no objection, in case, the present FIR is quashed against the petitioner because the Bank has received the cheque amount and consequently, the complaint has been withdrawn. Since, the proceedings under Section 138 of the Act of 1881 has been withdrawn and the present FIR has been registered on account of non-appearance of the petitioner, this Court feels that continuance of the proceedings in the present FIR would be an abuse of process of the Court. Keeping in view the abovesaid facts and circumstances, as well as the authorities of law referred to above, the present petition is allowed and FIR No.969 dated 04.11.2018 registered under Section 174-A of IPC at Police Station Ballabgarh City, District Faridabad (Annexure P-3) and all the consequential proceedings arising therefrom, are ordered to be quashed qua the petitioner.”

8. In the present case, since the original complaint related to the dishonoured cheque has been withdrawn, no useful purpose would be served by continuing the proceedings under Section 174-A IPC against the petitioner.

9. Resultantly, the petition is allowed and FIR No.1339 dated 30.08.2022 (Annexure P-1) under Section 174-A of IPC registered at Police Station Shivaji Nagar, District Gurugram, along with all other consequential proceedings arising therefrom against the petitioner are quashed, subject to



cost of Rs.20,000/- to be paid to Indian Red Cross Society, Account No.3578152035, IFSC Code- CBIN0280412, Central Bank of India, Sector-17-B, Chandigarh within a period of one month from the date of receipt of certified copy of this order. Receipt regarding deposit of aforesaid cost be produced before the Court concerned. It is made clear that if cost is not deposited within a period of one month i.e. upto 13.02.2026, present petition shall be deemed to be dismissed.

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

13.01.2026

Sonia Puri

**(SUBHAS MEHLA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No