



CRM-M-18512-2026

-1-

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

CRM-M-18512-2026

Date of Decision: 07.04.2026

Hardeep Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Onkar Rai, Advocate
for the petitioner.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition is for quashing of FIR No.0083 dated 13.05.2022 under Section 174-A/209 IPC/BNS, registered at Police Station City Phagwara, District Kapurthala along with all subsequent proceedings arising therefrom as original Complaint bearing No.NACT-02-2017, dated 04.01.2017 has been dismissed as withdrawn vide order dated 13.10.2025.

2. Learned counsel for the petitioner has submitted that the petitioner was prosecuted in a complaint filed under Section 138 of the Negotiable Instruments Act, however, during the pendency of the same, the petitioner was declared as proclaimed person vide impugned order dated 05.12.2019 due to his absence and the impugned FIR under Section 174-A IPC was ordered to be registered against him vide order dated 23.02.2022. He submits that even otherwise both the sides have compromised their *inter-se* dispute. He submits that on the basis of the said compromise, the complainant has already withdrawn the main complaint vide order dated



CRM-M-18512-2026

-2-

13.10.2025. He further submits that when the petitioner has already compromised the dispute with the complainant, prosecution of the petitioner in the impugned FIR registered under Section 174-A would be nothing but an abuse of the process of the law.

3. Notice of motion.

4. On the asking of the Court, Mr. Raj Karan Singh, A.A.G., Punjab, accepts notice on behalf of the respondent-State.

5. Learned State counsel has submitted 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. However, he endorsed the factum of compromise between the parties.

6. After hearing counsel for the parties and perusing the record, it is apparent that the present FIR was registered due to non-appearance of the petitioner in a complaint under Section 138 of the Act and he was declared as a proclaimed person vide order dated 05.12.2019. As the parties have compromised the matter and the main dispute between the parties has been resolved and the complaint has already been withdrawn as has been affirmed by the counsel of the complainant, so keeping in view the fact that the root cause i.e. the complaint under Section 138 of the Act which stands compromised between the parties and the complainant has withdrawn the complaint and has no grudge against the petitioner, this Court is of the opinion that continuation of proceedings pursuant to the FIR detailed above, shall be nothing, but an abuse of the process of the Court.

7. This Court time and again has held that when the main



CRM-M-18512-2026

-3-

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 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.

8. 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 complaint has already been withdrawn. Continuation of the proceedings under Section 174-A of IPC shall serve no purpose and would result in wastage of time. Keeping in view the above said facts, FIR No.0083 dated 13.05.2022 under Section 174-A/209 IPC/BNS, registered at Police Station City Phagwara, District Kapurthala along with all subsequent proceedings arising therefrom, are quashed subject to payment of Rs.10,000/- as cost to be deposited with **Day Care Centre for Elderly Disabled in Home for Old & Destitute People, Sector-15, Chandigarh** by the petitioner within a period of 07 days from the date of receipt of copy of this order. The petitioner is directed to file the receipt regarding deposit the costs before the Court of learned Judicial Magistrate Ist Class, Phagwara within a period of 10 days from receipt of copy of this order.



CRM-M-18512-2026

-4-

9. Needles to say that in case the petitioner fails to pay the cost and comply with the aforesaid direction within the stipulated period, he has no benefit of this order and the present petition would be deemed to have been dismissed.

10. The petition stands disposed of.

(RAJESH BHARDWAJ)
JUDGE

07.04.2026

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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No