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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

279

CRM-M-23396-2023 (O&M)

Date of decision: 12.05.2026

Darshan Singh

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present:- Mr. Mayank Aggarwal, Advocate for
Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Dixit Vashisht, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J. (Oral)

1. The prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No.511 dated 09.09.2021 under Section 174-A IPC registered at P.S. Civil Lines Karnal, District Karnal with all consequential proceedings as the main case has already been decided and the petitioner stands acquitted in complaint no. NI/1539/2019 titled as Sukhwinder Singh Vs. Darshan Singh under Section 138 of the Negotiable Instruments Act, 1881 vide judgment dated 27.02.2023 (P-5).

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

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as proclaimed person vide impugned order dated 11.08.2021 due to his absence and the impugned FIR under Section 174-A IPC was registered against him. He submits that the petitioner stands acquitted in complaint no. NI/1539/2019 titled as Sukhwinder Singh Vs. Darshan Singh under Section 138 of the Negotiable Instruments Act, 1881 vide judgment dated 27.02.2023 (P-5). He submits that once the petitioner has already been acquitted in the said complaint, 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.

4. I have heard counsel for the parties and perused the record. It is apparent that the present FIR was registered on 24.08.2021 due to non-appearance of the petitioner and he was declared as a proclaimed person vide order dated 11.04.2021. As submitted before this Court, the main complaint itself stands withdrawn.

6. 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 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

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19.04.2022.

7. 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 under Section 174-A IPC 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 209 BNS 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.511 dated 09.09.2021 under Section 174-A IPC registered at P.S. Civil Lines Karnal, District Karnal with all consequential proceedings, including the order dated 28.04.2021, on the basis of which, the present FIR was lodged and all the consequent proceedings arising therefrom, are quashed.

8. The petition stands disposed of.

12.05.2026

Satyawan

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No