



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

274

CRM-M-28449-2023 (O&M)

Date of decision: 28.01.2026

Ramesh Kumar

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Davinder Pal Soni Jaura, Advocate for the petitioner.

Mr. Amrik Narwal, DAG, Haryana

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition filed under Section 482 of Cr.P.C. for quashing of FIR No.373 dated 09.06.2022, under Section 174-A IPC, registered at Police Station Civil Lines Sirsa, District Sirsa and all the consequential proceedings arising therefrom.

2. Learned counsel contends that the petitioner was summoned in a complaint filed under Section 138 NI Act, however, he has not received any summon as his address given in the complaint is not true and therefore vide order dated 31.05.2022, learned trial Court declared him as a proclaimed person. In consonance to the above order dated 31.05.2022, present FIR was registered under Section 174-A IPC. However, compromise was arrived at between the parties and therefore the complaint itself was ordered to be withdrawn vide order dated 26.11.2022, Annexure P-4. Thus, the submission made is that continuation of the present proceedings would amount to abuse of process of Court.

3. Learned State counsel submits that the FIR was rightly registered as



the petitioner was declared proclaimed person by the trial Court for having absented, however, the factum of order dated 26.11.2022, whereby the complaint was withdrawn remained uncontroverted.

4. Heard.

5. It is apposite to refer to the order dated 26.11.2022, passed by the trial Court, whereby the complaint in question itself was ordered to be dismissed as withdrawn, which reads thus:

“File taken up today as an application for taking up case and decided the same in Lok Adalat moved on behalf of complainant.

File taken up before National Lok Adalat held today. However, complainant has made a statement in writing in this court that accused has paid the entire cheque amount alongwith compensation to him and now he does not want to proceed with the present complaint.

In view of the statement of complainant, the present complaint stands dismissed as withdrawn. Bail bonds and surety bonds, if any stand discharged. Intimation in this regard be sent to the concerned revenue authority, if there is any entry in the revenue record in this regard. File after due completion and registration be consigned to records.”

6. In **Baldev Chand Bansal vs. State of Haryana and another**, CRM-M-43813-2018, decided on 29.01.2019, this Court quashed the FIR registered under Section 174-A IPC in pursuance of the settlement arrived at between the parties, and held thus:

“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.”

7. In similar set of facts and circumstances, while placing reliance on the judgments of **Microqual Techno Ltd. vs. State of Haryana**, 2015 (32) RCR (Criminal) 790; **Rajneesh Khanna vs. State of Haryana and another**, 2017 (3) L.A.R. 555, CRM-M32612 of 2020, **Surender Singh vs. State of Haryana and another** decided on 12.01.2021, the proceedings initiated under Section 174-A IPC, were quashed by this Court in the case of **Murli Jha vs. State of Haryana** 2021(3) R.C.R.(Criminal) 563, by observing therein that, “I have considered the rival submissions of the parties. The FIR is an outcome of the order declaring the petitioner as a proclaimed person in proceedings initiated under section 138 of NI Act which stands settled, the complaint has been withdrawn and the proceedings against the accused petitioner were dropped. In such circumstances, the continuation of prosecution under Section 174-A IPC in pursuance to orders passed by the trial Court cannot be permitted to continue.”

8. In the present case, the petitioner was declared a proclaimed person on 31.05.2022, pursuant to which the impugned FIR was registered on 09.06.2022, however, the main complaint itself stood withdrawn on 26.11.2022, hence this Court find that continuation with the proceedings in question would amount to an abuse of the process of the Court, thus, in light of the judgment in

Ramesh Chandra vs. State of U.P., 2022 SCC OnLine SC 1634, the FIR is liable to be quashed, in exercise of power under Section 482 CrPC.

9. Considering the aforesaid facts and circumstances of the case and the decisions referred, this Court finds that the continuation of proceedings against the petitioner pursuant to FIR in question, would be an abuse of process of law. Accordingly, the present petition is allowed and FIR No.373 dated 09.06.2022, under Section 174-A IPC, registered at Police Station Civil Lines Sirsa, District Sirsa, is quashed.

(AMAN CHAUDHARY)
JUDGE

28.01.2026
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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No