



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

164

CRM-M-27361-2026 (O&M)

Date of decision: 27.05.2026

Shish Ram

...Petitioner(s)

VERSUS

State of Haryana and another

...Respondent(s)

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

Present :- Mr. Baljeet Beniwal, Advocate for the petitioner(s).

Ms. Chhavi Sharma, DAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. The present petition has been filed for quashing of FIR No.29 dated 11.01.2022 registered under Section 174-A of the Indian Penal Code, 1860 at Police Station City Sohna, District Gurugram and order dated 24.08.2021 passed by the trial Court in case titled as 'Sagar Grit Udyog (Rakesh Kumar) Vs. Vimal Traders (Shish Ram)', bearing No.NACT-67/2017 dated 27.04.2017 whereby the petitioner has been declared as a proclaimed person, in view of the fact that the dispute itself stands compromised and the main complaint itself stands withdrawn vide order dated 08.04.2026.

2. Briefly summarised, the facts of the present case are that M/s. Sagar Grit Udyog through its partner Rakesh Kumar registered a complaint under Section 138 of the Negotiable Instruments Act, 1881 titled as 'Sagar Grit Udyog (Rakesh Kumar) Vs. Vimal Traders (Shish Ram)' against the present petitioner on account of dishonour of cheque bearing No.979929

dated 16.03.2017 for a sum of Rs.8,50,000/-.

3. Status report by way of affidavit dated 26.05.2026 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. Ms. Ashika Kalra, Advocate, enters appearance and files memorandum of appearance on behalf of respondent(s) No.2 in the Court today and does not dispute the factum of compromise effected between the parties as well as withdrawal of the main complaint and submits that he would have no objection, if the present petition is allowed.

5. Learned State counsel does not dispute the aforesaid factual aspects.

6. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents appended with the instant petition with their able assistance.

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between private parties regarding cheque amount has already been resolved, inasmuch as, the main petition stands withdrawn by the original complainant himself on 08.04.2026, as already noticed above.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 FIR registered under Section 174-A of the Indian Penal Code, 1860, is

nothing but an abuse of process of law.

13. Accordingly, this petition is ***allowed*** and FIR No.29 dated 11.01.2022 registered under Section 174-A of the Indian Penal Code, 1860 at Police Station City Sohna, District Gurugram as well as order dated 24.08.2021 passed by the trial Court in case titled as 'Sagar Grit Udyog (Rakesh Kumar) Vs. Vimal Traders (Shish Ram)', bearing No.NACT-67/2017 dated 27.04.2017 whereby the petitioner has been declared as a proclaimed persons, along with all subsequent proceedings emanating therefrom, are quashed qua the petitioner herein. The petitioner, if confined in jail, is order to be released forthwith, if not required in any other case.

(VINOD S. BHARDWAJ)
JUDGE

27.05.2026

Mangal Singh

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