



CRM-M-28211-2026

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

CRM-M-28211-2026
Date of Decision:18.05.2026

Amit Kumar

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rajesh Goyal, Advocate
for the petitioner.

Mr. Neeraj Gupta, Addl. A.G., Haryana.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition is for quashing of FIR No.0262 dated 03.04.2025 under Section 174-A/209 IPC/BNS, registered at Police Station Panipat City, Panipat and order dated 19.03.2025 passed by Ld. Judicial Magistrate First Class, Panipat whereby petitioner has been declared proclaimed offender in Complaint under Sections 138/142 of NI Act, bearing No.NACT-2387-2022 and all other consequential proceedings.

2. Learned counsel for the petitioner has submitted that the petitioner took a loan from the complainant-Bank amounting to Rs.88,000/-. He submits that the petitioner was prosecuted by the complainant-Bank in a complaint filed under Section 138/142 of the Negotiable Instruments Act. He submits that the petitioner paid the due amount on 21.02.2023, however, despite having been paid the amount, the complainant-Bank did not withdraw the complaint and thus, he was declared a proclaimed person vide order dated 19.03.2025. He submits that the complaint has finally been



withdrawn by the complainant-Bank on 20.04.2026, although the matter had already been resolved in the year, 2023. He further submits that when the matter has already compromised, prosecution of the petitioner in the impugned FIR registered under Section 174-A IPC/209 BNS, would be nothing but an abuse of the process of the law.

3. Notice of motion.

4. On the asking of the Court, Mr. Neeraj Gupta, Addl. A.G., Haryana, 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/209 BNS, 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 19.03.2025. As the main dispute between the parties has been resolved and the complaint has already been withdrawn, 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 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 proceedings under Section 138 of NI Act stand compromised, then the



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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.0262 dated 03.04.2025 under Section 174-A IPC/209 BNS, registered at Police Station Panipat City, Panipat and along with order dated 19.03.2025 passed by Ld. Judicial Magistrate First Class, Panipat, on the basis of which, the present FIR was lodged and all the consequent proceedings arising therefrom, are hereby quashed.

9. The petition stands disposed of.

(RAJESH BHARDWAJ)
JUDGE

18.05.2026
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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No