

2026:PHHC:044079



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

287

CRM-M-46096-2023 (O & M)

Date of decision: 19.03.2026

RADHEY SONI

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Deepika, Advocate,  
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

**AMAN CHAUDHARY, J. (ORAL)**

1. The present petition has been filed under Section 482 Cr.P.C., for quashing the orders dated 27.09.2018 and 02.09.2022 passed by learned Judicial Magistrate Ist Class, Sirsa, in complaint No.NACT-1076/2018 dated 10.08.2018, as also FIR No.869 dated 27.09.2022, registered under Section 174-A IPC, at Police Station Civil Line Sirsa.

2. Learned counsel states that the main complaint stands withdrawn, thus, the prayer for quashing the summoning order dated 27.09.2018 has become infructuous. She submits that the petitioner was summoned in the afore-mentioned complaint, wherein, he was never served with any notice/warrants, as such he could not appear before the Court concerned. Consequently, he was declared a proclaimed person, vide impugned order dated 02.09.2022, whereupon the FIR impugned in the present petition was registered. During the interregnum, the matter has

been compromised/settled and the complaint itself was dismissed as withdrawn, vide order dated 09.03.2024. Thus, the submission made is that continuation of the present proceedings would amount to abuse of process of Court. Reliance is placed on **Sanjeev Kumar vs. State of Haryana**, CRM-M-59270-2022, decided on 19.12.2022 and **Soni Kumar vs. State of Punjab**, CRM-M-55315-2024, decided on 10.01.2025.

3. Learned State counsel submits that the FIR was rightly registered as the petitioner was declared a proclaimed person by the trial Court for having absented, however, the factum of order dated 09.03.2024, whereby the complaint was withdrawn, remained uncontroverted.

4. Heard.

5. It is apposite to refer to the order dated 09.03.2024 passed by learned Judicial Magistrate Ist Class/Presiding Officer, National Lok Adalat, Sirsa, whereby the complaint in question itself was ordered to be dismissed as withdrawn, which reads thus:

“File taken up in National-Lok-Adalat held today. On the last date of hearing, both the parties have made separate statements in writing that compromise has been effected between them and prayed for pass the award. In view of the previous statements made by both the sides, this court is of considered view that matter has been compromised between the parties. Both the parties are directed to comply with his statements made in writing in letter and spirit. Let, award be prepared in the terms as are agreed upon by the parties in their respective statements. The statements of the parties shall form part of the order. In case of non-compliance of the statement by the accused, complainant will be entitled to exhaust civil remedies available with him and the accused will have to bear the litigation expenses, if the complainant was to resort to execution proceedings for realization of the

amount as awarded to him. File be consigned to the record room after due compliance.”

6. In **Sanjeev Kumar** (supra), this Court quashed the FIR registered under Section 174-A IPC (corresponding to Section 209 BNS) in pursuance of the settlement arrived at between the parties. Similarly this Court in **Soni Kumar**(supra), considering the fact that subject matter of the original offence having been settled amicably between the parties and the criminal complaint under Section 138 of NI Act stood withdrawn on the basis of such settlement/compromise, had quashed the FIR registered under Section 174-A IPC.

7. 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.”

8. 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.”

9. In the present case, the petitioner was declared a proclaimed person on 02.09.2022, pursuant to which the impugned FIR was registered on 27.09.2022, however, the main complaint itself stood withdrawn on 09.03.2024, hence this Court finds that continuing 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 Cr.P.C.

10. 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 the order dated 02.09.2022, Annexure P-2, and FIR No.869 dated 27.09.2022, registered under Section 174-A IPC, at Police Station Civil Line Sirsa, are quashed.

19.03.2026

parveen kumar

**(AMAN CHAUDHARY)**  
**JUDGE**

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