

2026:PHHC:072332



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

263 (2)

CRM-M-58078-2025
Date of decision: 07.05.2026

RAJPAL SHARMA

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

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

Present: - Mr. Naresh Kumar Ganga, Advocate for the petitioner

Mr. Onkar Singh Wahla, Sr. DAG, Haryana.

Mr. Mohan Sheoran, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed seeking setting aside of the order dated 31.08.2024 whereby a proclamation order had been passed against the petitioner, on the basis of the settlement between the parties and withdrawal of the main case i.e. NACT No. 958 of 2021 titled "*Avtar Singh versus Rajpal Sharma etc.*", vide order dated 26.09.2025 passed by the Presiding Officer Pre National Lok Adalat, Sirsa.

2. Mr. Mohan Sheoran, Advocate enters appearance on behalf of respondent No.2 and has furnished an undertaking in writing that the matter has already been compromised between the parties and the complainant has

received the entire cheque amount along with due compensation from the petitioner and as nothing is due towards the petitioner, the complainant-respondent No.2 does not want to proceed with the present proceedings as well.

3. 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an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the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.”

4. A perusal of the above judgment would show that in a similar case where even an FIR was registered under Section 174-A IPC/209 BNS pursuant to an order passed by the Trial Court in proceedings under Section 138 of the Negotiable Instruments Act, 1881, pursuant to declaration of 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/209 BNS is nothing but an abuse of the process of law. The settlement of dispute 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/209 BNS.

5. 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.”

6. A perusal of the aforesaid judicial precedents shows that continuation of proceedings under Section 174-A IPC/209 BNS were held to be abuse of the process of law, once main dispute between the parties has already ended.

7. In view of the above, the present petition is allowed and P.O order dated 31.08.2024 passed by Judicial Magistrate 1st Class, Sirsa alongwith all consequential proceedings arising therefrom are quashed.

MAY 07, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No