



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

316

CRM-M-64164-2024 (O&M)
Date of decision: 24.02.2026

Somvir Singh Diwakar

....Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Mohan Singh Rana, Advocate for the petitioner

Mr. Sunny Namdev, AAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition filed under Section 528 of BNSS for quashing the order dated 03.07.2023 (Annexure P-1) in complaint No.8353 dated 02.08.2018, vide which the petitioner was declared as proclaimed person in the complaint under Section 138 NI Act as well as consequential FIR No.200 dated 24.07.2023, under Section 174-A IPC, registered at Police Station Chhansa, District Faridabad, Haryana.

2. Learned counsel contends that the petitioner was summoned in a complaint filed under Section 138 NI Act and was wrongly been declared proclaimed person, vide impugned order dated 03.07.2023, since mandatory provision of Sections 82 and 83 Cr.P.C. has not been complied with, consequent to which present FIR was registered under Section 174-A IPC. However, now the matter having been compromise between the parties and a statement was made before the trial Court by the complainant by stating that he did not want to pursue the complaint, based on which, it was allowed to be withdrawn vide order dated 24.07.2023 passed by learned Judicial Magistrate 1st Class,



Faridabad. Thus, the submission made is that continuation of the present proceedings would amount to abuse of process of Court. Reliance is placed on the judgment passed by this Court in **Mandeep Verma vs. State of Haryana and Another**, CRM-M-35150-2022, decided on 08.08.2022 & **Arpit Gupta, Partner M/s Tulip Yarn vs. State of Haryana and Another**, CRM-M-29483-2021, decided on 14.11.2022.

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person by the trial Court for having absented, however, the factum of order dated 24.07.2023, whereby the complaint was withdrawn remained uncontroverted.

4. Heard.

5. It is apposite to refer to the order dated 24.07.2023, passed by the trial Court, whereby the complaint in question itself was ordered to be dismissed as withdrawn, which reads thus: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 withdrawal of complaint after put up the file moved by the complainant through his ld. counsel. The complainant suffered a separate statement that he received the cheque amount from the accused. Therefore, he does not want to pursue further with the present complaint and withdraw the same. Statement recorded. Complainant is duly identified by his counsel. This court is satisfied, in light of the statement of the complainant, that there are sufficient grounds to permit him to withdraw the present complaint. Heard. In view of the statement made by the complainant, **the present complaint is dismissed as withdrawn under section 257 of the Code of Criminal Procedure, 1973**. On request surety details if any be deleted from the CIS module as per law governing the same. File be consigned to the records after due compliance.”

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 03.07.2023, pursuant to which the impugned FIR was registered on 24.07.2023, however, on that date, the main complaint itself stood withdrawn, hence this Court finding 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. Accordingly, the present petition is allowed. The impugned order dated 03.07.2023 passed by learned JMIC, Faridabad is set aside and the resultant FIR No.200 dated 24.07.2023, under Section 174-A IPC, registered at Police Station Chhansa, District Faridabad, Haryana, is hereby quashed.

(AMAN CHAUDHARY)
JUDGE

24.02.2026
M.Kamra

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