

2026:PHHC:041174



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

332

CRM-M-68306-2025 (O & M)

Date of decision: 16.03.2026

SHANKAR LAL SHARMA @ SHANKAR SHARMA

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Satish Sharma, Advocate,
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 528 of BNSS, 2023, for quashing the order dated 07.03.2020 passed by learned Judicial Magistrate Ist Class, Gurugram, whereby the petitioner has been declared as proclaimed offender in complaint No.NACT-2811 of 2018, as also FIR No.1091 dated 09.07.2020, registered under Section 174-A IPC, at Police Station Shivaji Nagar, District Gurugram.

2. Reply by way of affidavit of the Assistant Commissioner of Police, City Gurugram, filed in the Court, is taken on record.

3. Learned counsel submits that the petitioner had been produced before the trial Court and granted bail, vide order dated 17.08.2022, however on 02.12.2022, the complaint filed under Section 138 NI Act, itself came to be withdrawn. 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.

4. Learned State counsel submits that the FIR was rightly registered as the petitioner was declared a proclaimed offender by the trial Court for having absented, however, the factum of order dated 02.12.2022, whereby the complaint was withdrawn, remained uncontroverted.

5. No order prejudicial to the rights of respondent No.2 is being proposed to be passed by this Court, thus, there is no requirement of effecting service upon it.

6. Heard.

7. It is apposite to refer to the order dated 02.12.2022 passed by the Presiding Officer, Daily Lok Adalat, Gurugram, whereby the complaint in question itself was ordered to be dismissed as withdrawn, which reads thus:

“File put up in Daily Lok Adalat. Learned counsel for the complainant has made a statement that he does not want to proceed further with the present complaint on the instructions of complainant company and same may kindly be dismissed as withdrawn. His statement in this regard recorded separately. Heard. There are sufficient grounds to permit the complainant/AR for complainant/complainant’s counsel to withdraw this complaint against the accused. Accordingly, present complaint is hereby dismissed as withdrawn. In view of Section 257 Cr.P.C. the accused is hereby acquitted in this case. The unexhibited original documents if any be returned to the concerned parties against proper receipt and identification, if desired. File be consigned to record room after due compliance.”

8. 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.

9. 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.”

10. 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.”

11. In the present case, the petitioner was declared a proclaimed person on 07.03.2020, pursuant to which the impugned FIR was registered 09.07.2020, however, the main complaint itself stood withdrawn on 02.12.2022, 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 Cr.P.C.

12. 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 07.03.2020 and FIR No.1091 dated 09.07.2020, registered under Section 174-A IPC, at Police Station Shivaji Nagar, District Gurugram, are quashed.

16.03.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No