

140

2025:PHHC:084915



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

**CRM-M-29275-2025  
DECIDED ON: 26.05.2025**

**MAHAVIR SHARMA**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. R.N. Lohan, Advocate  
for the petitioner

**SANDEEP MOUDGIL, J (ORAL)**

1. This is a petition under Section 528 BNSS, 2023 for quashing the order dated 30.08.2024 (P-1) passed by the Ld. JMIC, Rohtak and the FIR No. 22 dated 11.02.2025 (P-2) under Section 209 of BNS, 2023 Police Station Arya Nagar, Rohtak and the consequential proceedings pending before the Ld. Judicial Magistrate 1<sup>st</sup> Class, Rohtak.
2. Learned counsel for the petitioner states that the main complaint NACT/717/2019 dated 18.10.2024, under Section 138 of Negotiable Instruments, stands withdrawn by the complainant, in view of the compromise affected between the parties vide order dated 28.03.2025 (Annexure P-3) passed by Judicial Magistrate 1<sup>st</sup> Class, Rohtak.
3. Notice of motion.
4. Mr. Chetan Sharma, DAG Haryana has put in appearance on behalf of respondent/State and admits the factum of compromise.

5. Since the main complaint has been dismissed as withdrawn, as is evident from the perusal of aforesaid order dated 28.03.2025 (Annexure P-3) passed by Judicial Magistrate 1<sup>st</sup> Class, Rohtak and the offence between the petitioner and complainant is personal in nature not against the society at large, who have resolved their dispute, no fruitful purpose would be served by continuing the proceedings in the instant FIR No. 22 dated 11.02.2025 (P-2) under Section 209 of BNS, 2023 Police Station Arya Nagar, Rohtak and the consequential proceedings pending before the Ld. Judicial Magistrate 1<sup>st</sup> Class, Rohtak as well as in the order dated 30.08.2024 (P-1) passed by the Ld. JMIC, Rohtak.

6. In view of the submissions made by learned counsel for the petitioner that the main complaint stands withdrawn by the complainant on 28.03.2025 (Annexure P-3) therefore, continuation of proceedings under Section 209 of BNS would be abuse of process of law. Also, this principle has been laid down in several dictums of this Court and reliance can be placed upon the orders dated 20.07.2022 and 24.08.2022 respectively, passed by a coordinate Bench of this Court in CRM-M-46062-2017, titled as ***“Jatin Dhawan and another versus State of Haryana and another”*** and CRM-M-12534-2022, titled as ***“Krishan Kumar versus State of Haryana and another”***, respectively wherein it has been held that once the main case is dismissed as withdrawn, the continuation of proceedings under Section 174-A IPC (now Section 209 BNS, 2023) shall be an abuse of process of law.

7. Further reliance can be placed upon the orders of this Court dated 12.12.2022 and 13.12.2022 passed in CRM-M-55634-2022 titled as ***“Jinder Singh Vs. State of Punjab and another”*** and CRM-M-45051-2022 titled as ***“Hari Singh Meena Vs. State of Haryana”***, respectively in this regard.

8. Another Co-ordinate Bench of this Court in a case titled as ***“Ashok Madan vs. 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 174-A 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 174-A 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 174-A I.P.C. At Police Station Kotwali, District Faridabad, as well as consequential proceedings shall stand quashed.”*

9. A perusal of the relevant extract of the above judgment would show that where the main case was dismissed for want of prosecution, it was observed that the continuation of proceedings under Section 174-A of the IPC (now Section 209 BNS, 2023) shall be an abuse of the process of court.

10. Keeping in view the above-said facts and circumstances, the order dated 30.08.2024 (P-1) passed by the Ld. JMIC, Rohtak and the FIR No. 22 dated 11.02.2025 (P-2) under Section 209 of BNS, 2023 Police Station Arya Nagar, Rohtak and the consequential proceedings pending before the Ld. Judicial Magistrate 1<sup>st</sup> Class, Rohtak alongwith all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

11. The petition in the aforesaid term stands allowed.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**26.05.2024**

*Meenu*

*Whether speaking/reasoned*      *Yes/No*

*Whether reportable*              *Yes/No*