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

CRM-M-39151-2025

Date of decision : 24.07.2025

Gurmeet Sagwal

....Petitioner

versus

State of Haryana

....Respondent

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Devesh Nehra, Advocate  
for the petitioner.

**RAJESH BHARDWAJ, J. (Oral)**

1. Present petition has been filed for quashing the order dated 13.06.2019 (Annexure P-3) (NACT No.1912/2017 registered on 11.09.2017 HRHS030120242017) vide which the petitioner has been declared as proclaimed person and further FIR No.126 dated 22.03.2020 registered under Section 174-A IPC, at Police Station Urban Estate Hisar, District Hisar and all other subsequent proceedings arising therefrom in view of the fact that the parties have arrived at a settlement and the main complaint case stands withdrawn. Further prayer has been made for staying the further proceedings before the trial Court.

2. It has been submitted by learned counsel for the petitioner that the petitioner has been prosecuted in the impugned complaint under Section 138 of the Negotiable Instruments Act by the respondent. During the pendency of the same, the petitioner was declared as proclaimed person vide impugned order dated 13.06.2019 due to his absence and the impugned FIR under Section 174-A IPC was registered against him. He submits that even otherwise both the sides have compromised their *inter-*



*se* dispute. He submits that on the basis of the said compromise, the complainant has already withdrawn the main complaint vide order dated 16.07.2022. He further submits that when the petitioner has already compromised the dispute with the complainant and the main complainant has already been withdrawn, prosecution of the petitioner in the impugned FIR registered under Section 174-A would be nothing but an abuse of the process of the law.

3. Notice of motion.

4. On the asking of the Court, Mr. Tanuj Sharma, A.A.G., Haryana, accepts notice on behalf of the respondent-State. He submits that the petitioner was rightly declared as proclaimed person, pursuant to which FIR registered was registered against him under Section 174-A IPC, as he had failed to appear before the Court without any reasonable cause.

5. I have heard counsel appearing for the parties and perused the record.

6. It is apparent that the present FIR was registered due to non-appearance of the petitioner in a complaint under Section 138 of the Act and he was declared as a proclaimed person vide order dated 13.06.2019. As the parties have compromised the matter and the main dispute between the parties has been resolved and the complaint stands already withdrawn, so keeping in view the fact that the root cause i.e. the complaint under Section 138 of the Act stands compromised between the parties and the complainant has no grudge against the petitioner, this Court is of the opinion that continuation of proceedings pursuant to the FIR detailed above, shall be nothing, but an abuse of the process of the Court.



7. This Court time and again has held that when the main proceedings under Section 138 of NI Act stand compromised, then the continuation of FIR and proceedings under Section 174-A of IPC on account of petitioner having been declared as proclaimed person would be nothing but an abuse of the process of law. This view was taken by the coordinate Bench of this Court in a case titled as “Ashok Madan vs. State of Haryana and another” reported as 2020(4) RCR (Criminal) 87, “Anil Kumar Versus Jitender Kumar and another”, CRM-M-5878-2022 decided on 06.04.2022 and “Varinder Kumar @ Virender Kumar Versus State of Haryana and another”, CRM-M-42551-2021 decided on 19.04.2022.

8. So, keeping in view the above-said facts, it is clear that due to his absence, the petitioner was declared as proclaimed person and thereafter, FIR was registered. The dispute between the parties has been settled and the complaint has been withdrawn. Continuation of the proceedings under Section 174-A of IPC shall serve no purpose and would result in wastage of time. Keeping in view the above said facts, FIR No.126 dated 22.03.2020 registered under Section 174-A IPC, registered at Police Station Urban Estate Hisar, District Hisar alongwith the order dated 13.06.2019 (Annexure P-3) passed by the learned JMJC, Hisar on the basis of which, the present FIR was lodged and all the subsequent proceedings arising therefrom, are quashed subject to payment of Rs.10,000/- as cost to be deposited with **Punjab and Haryana High Court Bar Association** by the petitioner within a period of ten days from today. The petitioner is directed to file the receipt regarding deposit the costs before the Court of learned SDJM, Pataudi, District Gurugram within a period of 10 days from today. The complainant shall be bound by



the statement suffered by his counsel on his behalf.

9. Needles to say that in case the petitioner fails to pay the cost and comply with the aforesaid direction, order under challenge dated 13.06.2019 alongwith FIR in question and subsequent proceedings would come in force and the present petition would be deemed to have been dismissed.

10. The petition stands disposed of.

24.07.2025

*ps-I*

( **RAJESH BHARDWAJ** )  
**JUDGE**

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