



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

127

CRM-M-7313-2025
Decided on : 07.02.2025

Mahender Singh

. . . Petitioner(s)

Versus

State of Haryana and another

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Monu Sharma, Advocate for
Mr. Rohit Mittal, Advocate
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Cr.P.C. (now under Section 528 of BNSS, 2023), is for quashing/setting aside of FIR No.273, dated 07.05.2022, under Section 174-A of IPC, registered at Police Station City Narnaul, District Mahendergarh (Annexure P-2), and also the impugned order dated 21.04.2022 (Annexure P-1), passed by learned ACJM, Narnaul, in a Complaint Case filed under Section 138 of the Negotiable Instruments Act, 1881 (in short, 'NI Act') bearing case No.NACT-314-2019, titled as, "Deepak Kumar v. Mahender Singh Chandela", vide which, petitioner was declared 'Proclaimed Person', as well as all consequential proceedings arising therefrom.

2. Counsel for the petitioner submits that, in fact, the main controversy between the petitioner and respondent No.2 – Deepak Kumar (complainant) regarding bouncing of cheque, amounting to Rs.1.00 lac, has already been resolved and as a result thereto, the complaint itself has been withdrawn by respondent No.2 (complainant) on 05.11.2024.

In support of his contention, counsel for the petitioner refers to order dated 05.11.2024 (Annexure P-4), passed by learned ACJM, Narnaul, and same is reproduced here-in-below:-

“Present : Complainant in person with Sh. Govind Sharma, Advocate. Sh. Satyaveer son of Lala Ram (surety of accused Mahender Singh) in person.

File taken up today as learned counsel for complainant filed an application for preponment of the present case and withdrawal of the same. Heard. Keeping in view the facts mentioned in the application, the same is hereby allowed. Case be preponed for today. At this stage, complainant Deepak Kumar duly identified by his counsel has suffered a statement to the effect that the matter has been compromised with accused Mahender Singh thus he does not want to pursue with the present complaint and seeks to withdraw the same.

At this stage, an application for setting aside recovery warrant of surety Satyaveer has been filed. Learned counsel for complainant has endorsed his no objection on the said application. Heard. Keeping in view the facts mentioned in the application and no objection endorsed by learned counsel for complainant as well as the fact that matter has been settled between the parties, the application in hand is hereby allowed. Accordingly, recovery warrant of surety of accused Mahender Singh stands cancelled.

*Keeping in view the statement of complainant, the present complaint is hereby **Dismissed as Withdrawn**. Bail bonds and surety bonds of accused are hereby discharged. File be consigned to record-room, after due compliance.*

Announced in Daily Lok Adalat :-

Date of order: 05.11.2024.

*(Lalita Patwardhan)
ACJM, Narnaul.
UID No. HR-0291.”*

3. Learned counsel for the petitioner further submits that declaration of the petitioner as proclaimed offender, and thereafter, registration of FIR No.273, dated 07.05.2022 under Section 174-A of IPC, would not be considered as material proceeding, once main offence from which such proceedings emerged, has already been withdrawn on the statement of the complainant. In support of the contention, learned counsel

relies upon judgment of the co-ordinate Bench of this Court rendered in CRM-M-47657-2022, titled as, “**Randhir Singh Tyagi v. State of Haryana and another**”, decided on 17.10.2022.

4. Notice of motion.

5. On asking of the Court, Mr. Kanwar Sanjiv Kumar, AAG, Haryana, who is present in Court, accepts notice on behalf of respondent No.1 – State. Copy of the paper book has already been supplied to him.

6. In view of the settled proposition of law, wherein, several other similar matters have already been decided by this Court, learned State counsel has no serious and authentic submissions before this Court to oppose the prayer made in present petition.

7. Heard.

8. Under these circumstances, once the proceedings under Section 138 of NI Act stands withdrawn on the basis of compromise, continuation of the instant FIR under Section 174-A of IPC is nothing but an abuse of process of law. In this regard reliance can be placed upon judgment rendered by this Court in the case of *Microqual Techno Limited and others v. State of Haryana and another-2015(32) RCR (Criminal) 790*, which has also been followed in CRM-M-47891-2021, titled as, “*Jitender Singh v. State of Haryana and another*”, decided on 16.11.2021, and the order dated 05.09.2022, passed by this Court in CRM-M-34291-2022, titled as, “*Pankaj Sharma Vs. State of Haryana and another*”.

9. Accordingly, instant petition is allowed. Order dated 21.04.2022 (Annexure P-1) declaring the petitioner as proclaimed offender, and all consequential proceedings arising therefrom including FIR No.273, dated 07.05.2022, under Section 174-A of IPC, registered at Police Station

City Narnaul, District Mahendergarh (Annexure P-2), as well as all consequential proceedings arising therefrom, stand quashed *qua* the petitioner.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 07, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No