



CRM-M-31094-2025

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

CRM-M-31094-2025

Date of Decision: 07.07.2025

Pardeep Kumar

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Bhupender Singh, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition is for quashing of FIR No.127 dated 28.03.2025 (Annexure P-3) registered under Section 209 of BNS, 2023 (earlier Section 174-A IPC), registered at Police Station City Bhiwani, District Bhiwani and all other subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner has submitted that the petitioner was prosecuted in a complaint filed under Section 138 of the NI Act, however, during the pendency of the same, the petitioner was declared as proclaimed person vide impugned order dated 25.03.2025 due to his absence and the impugned FIR under Section 209 of BNS, 2023 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 He submits that on the basis of the said compromise, the main complaint itself has also been withdrawn vide order dated 26.03.2025. He submits that as is evident from the order dated 26.03.2025 passed by learned JMIC, Bhiwani, the complaint itself has been withdrawn in view of compromise effected between the parties. He further submits that once the main complaint itself stands withdrawn, prosecution



of the petitioner in the impugned FIR registered under Section 209 of BNS, 2023 would be nothing but an abuse of the process of the law.

3. Notice of motion.

4. Mr. Sumit Jain, Addl. AG, Haryana, accepts notice on behalf of the State. He has submitted that petitioner was rightly declared as proclaimed person, pursuant to which FIR registered was registered under Section 209, BNS, 2023, as he had failed to appear before the Court without any reasonable cause.

5. I have heard counsel for the parties and perused the record. It is apparent that the present FIR was registered due to non-appearance of the petitioner and he was declared as a proclaimed person vide order dated 25.03.2025. As submitted before this Court, the main complaint itself stands withdrawn.

6. 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.

7. 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 root cause of controversy i.e. the complaint has already been withdrawn. Continuation of the proceedings under Section 209 BNS shall be abuse of the process of the law as the main dispute has already been resolved in view of the settlement effected between the parties. Keeping in view the law settled, FIR No.127 dated 28.03.2025 (Annexure P-3) registered under Section 209 of BNS, 2023 (earlier Section 174-A IPC), registered at Police Station City Bhiwani, District Bhiwani including the order dated 25.03.2025 passed by the learned JMIC, Bhiwani, on the basis of which, the present FIR was lodged and all the consequent proceedings arising therefrom, are quashed subject to payment of Rs.15,000/- as costs to be deposited with **Spinal Rehab Centre, Chandigarh, Plot No.1, Madhya Marg, Sector-28-A, Chandigarh** 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 JMIC, Bhiwani within a period of 20 days from today.

8. Needless to say that in case the petitioner fails to pay the costs and comply with the aforesaid direction, the FIR in question would come in force and the present petition would be deemed to have been dismissed.

9. The petition stands disposed of. Copy of this order be sent to the concerned Court forthwith.

(RAJESH BHARDWAJ)
JUDGE

07.07.2025

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Whether Speaking/Reasoned
Whether Reportable

: Yes/No
: Yes/No