



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

**CRM-M-11433-2025**

Date of Decision: 22.05.2025

Balwan

..... Petitioner

Versus

State of Haryana and another

.....Respondents

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

Present: Mr.Deepak Grover, Advocate, for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Munfaid Khan, Advocate, for respondent No.2.

**Rajesh Bhardwaj, J. (Oral)**

1. Prayer in the present petition is for quashing of order dated 26.07.2023 (Annexure P-2) passed by learned SDJM, Pataudi, District Gurugram in Complaint No.NACT/244/2018 titled as Anand Singh vs. Balwan, and for quashing of the FIR No.426 dated 02.08.2023 (Annexure P-3) registered under Section 174-A IPC, registered at Police Station Pataudi District Gurugram and all other subsequent proceedings arising therefrom on the basis of the compromise dated 19.02.2025 (Annexure P-4).

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 26.07.2023 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 and the whole amount as settled between the parties has already been paid by the petitioner to the complainant. He



submits that on the basis of the said compromise, the complainant is ready to withdraw the main complaint. He further submits that when the petitioner has already compromised the dispute with the complainant, 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. Learned State counsel has submitted 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.

4. Learned counsel for respondent No.2 has endorsed the fact that matter has been compromised between the parties and the complainant is ready to withdraw the main complaint on the basis of the compromise arrived at between the parties. He further submits that the complainant has no objection, if the order dated 26.07.2023 and FIR under challenge are quashed.

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 in a complaint under Section 138 of the Act and he was declared as a proclaimed person vide order dated 26.07.2023. As the parties have compromised the matter and the main dispute between the parties has been resolved and the complainant is ready to withdraw his complaint as has been affirmed by his counsel, 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 is ready to withdraw the same and 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 abused of the process of the Court.

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 complainant is ready to withdraw the complaint. 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.426 dated 02.08.2023 (Annexure P-3) registered under Section 174-A IPC, registered at Police Station Pataudi District Gurugram alongwith the order dated 26.07.2023 (Annexure P-2) passed by the learned SDJM, Pataudi, District Gurugram, on the basis of which, the present FIR was lodged and all the consequent proceedings arising therefrom, are quashed subject to payment of Rs.10,000/- as cost to be deposited with **Day Care Centre for**



**Elderly Disabled in home for Old & Destitute People, Sector-15, 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 SDJM, Pataudi, District Gurugram within a period of 20 days from today. The complainant shall be bound by the statement suffered by his counsel on his behalf.

8. Needles to say that in case the petitioner fails to pay the cost and comply with the aforesaid direction, order under challenge dated 26.07.2023 alongwith FIR in question and consequent proceedings 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.

**22.05.2025**  
sharmila

Whether Speaking/Reasoned  
Whether Reportable

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

: Yes/No  
: Yes/No