 2025:PHHC:125480

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-50958-2025 (O&M)
Date of decision: 11.09.2025

Rohit Kumar

....Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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Present : Mr. Rahul Rana, Advocate for the petitioner

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AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition filed under Section 528 of BNSS for quashing the order dated 09.12.2022 (Annexure P-1), vide which the petitioner was declared as proclaimed person in the complaint under Section 138 NI Act, COMA-5959-2020 titled as Surjit Singh vs. Rohit Kumar as well as consequential FIR No.16 dated 30.01.2023, under Section 174-A IPC, registered at Police Station Focal Point, District Ludhiana.

2. Learned counsel contends that the petitioner was summoned in the complaints filed under Section 138 NI Act, in 2 of them, he has been duly served and appeared before the trial Court but in remaining 3, no summons were ever received and consequently, he has wrongly been declared proclaimed person, vide impugned order dated 09.12.2022, since mandatory provision of Sections 82 and 83 Cr.P.C. has not been complied with, consequent to which present FIR was registered under Section 174-A IPC. However, compromise was arrived at between the parties and therefore all the five complaints itself were ordered to be withdrawn vide orders dated 18.02.2025, Annexures P-5 and P-6. Thus, the

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submission made is that continuation of the present proceedings would amount to abuse of process of Court.

3. Notice of motion.

4. On the asking of the Court, Mr. M.S. Bajwa, DAG Punjab, accepts notice on behalf of the respondent-State and submits that the FIR was rightly registered as the petitioner was declared proclaimed person by the trial Court for having absented, however, the factum of order dated 18.02.2025, whereby the complaint was withdrawn remained uncontroverted.

5. There is no necessity of effecting service upon complainant or seeking any response, in view of the order dated 18.02.2025, whereby the complaint stands withdrawn by him.

6. Heard.

7. It is apposite to refer to the order dated 18.02.2025, passed by the trial Court, whereby the complaint in question itself was ordered to be dismissed as withdrawn, which reads thus:

> "Today the case was fixed for recording the statement of the accused U/s 313 of Cr.P.C. At this stage, complainant suffered a statement that he has compromised with the accused Rohit Kumar in all three complaints cases filed by me for a total sum of Rs.3,50,000/-. The accused Rohit Kumar has handed over demand draft dated 14.02.2025 for a sum of Rs.3,50,000/- today in the court vide DD No. 203569 today in the court. On account of the same, he withdraw all three complaints filed by me against Rohit Kumar Subject to clearing of the demand draft. After the clearance of the DD nothing will remained pending between the parties. Heard. In view of the above said statement, present complaint stands dismissed as withdrawn with liberty to revive the complaint in case of any violation of the terms of the compromise. File be consigned to the record room after due compliance."

8. In **Baldev Chand Bansal vs. State of Haryana and another**, CRM-M-43813-2018, decided on 29.01.2019, this Court quashed the FIR registered

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under Section 174-A IPC in pursuance of the settlement arrived at between the parties, and held thus:

> "Prayer in this petition is for quashing of FIR No.64 dated 15.02.2017 filed under Section 174-A of the Indian Penal Code registered at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof as well as order dated 24.10.2016 passed by the trial Court vide which a direction was issued to register the aforesaid FIR.
> xxx xxx xxx
> Learned counsel for the petitioner has relied upon the decisions rendered by this Court in " Vikas Sharma vs. Gurpreet Singh Kohli and another (supra), 2017, (3) L.A.R.584, Microqual Techno Limited and others Vs. State of Haryana and another, 2015 (32) RCR (Crl.) 790 and "Rajneesh Khanna Vs. State of Haryana and another" 2017(3) L.A.R. 555 wherein in an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the process of law.
> xxx xxx xxx
> In view of the same, I find merit in the present petition and accordingly, present petition is allowed and the impugned order dated 24.10.2016 passed by Judicial Magistrate, 1st Class, Panchkula as well as FIR No.64 dated 15.02.2017 registered under Section 174-A of the Indian Penal Code at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof, are hereby quashed."

9. In similar set of facts and circumstances, while placing reliance on the judgments of **Microqual Techno Ltd. vs. State of Haryana,** 2015 (32) RCR (Criminal) 790; **Rajneesh Khanna vs. State of Haryana and another,** 2017 (3) L.A.R. 555, CRM-M32612 of 2020, **Surender Singh vs. State of Haryana and another** decided on 12.01.2021, the proceedings initiated under Section 174-A IPC, were quashed by this Court in the case of **Murli Jha vs. State of Haryana** 2021(3) R.C.R.(Criminal) 563, by observing therein that, "I have considered the rival submissions of the parties. The FIR is an outcome of the order declaring the petitioner as a proclaimed person in proceedings initiated under section 138 of NI Act which stands settled, the complaint has been withdrawn and the proceedings

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against the accused petitioner were dropped. In such circumstances, the continuation of prosecution under Section 174-A IPC in pursuance to orders passed by the trial Court cannot be permitted to continue."

10. In the present case, the petitioner was declared a proclaimed person on 09.12.2022, pursuant to which the impugned FIR was registered on 30.01.2023, however, during the interregnum, the main complaint itself stood withdrawn on 18.02.2025, hence this Court finding that continuation with the proceedings in question would amount to an abuse of the process of the Court, thus, in light of the judgment in **Ramesh Chandra vs. State of U.P.**, 2022 SCC OnLine SC 1634, the FIR is liable to be quashed, in exercise of power under Section 482 CrPC.

11. Accordingly, the present petition is allowed. The impugned order dated 09.12.2022 passed by learned JMIC, Ludhiana is set aside and the resultant FIR No.16 dated 30.01.2023, under Section 174-A IPC, registered at Police Station Focal Point, District Ludhiana, is hereby quashed.

(AMAN CHAUDHARY)
JUDGE

11.09.2025
M.Kamra

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

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