



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

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**CRM-M-33246-2025
Date of decision: 01.07.2025**

SURJEET KUMAR

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. G.C. Shahpuri, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH. J.(Oral)

1. The present petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of the order dated 29.05.2023 (Annexure P-2), vide which the petitioner has been declared as proclaimed person and FIR bearing No.0803 dated 02.08.2023, under Section 174-A of the IPC, 1860, registered at Police Station HTM Hisar, District Hisar (Annexure P-3) and all subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner submits that the disputed amount has already been paid and even the complaint has been withdrawn by the complainant. However, during the proceedings in complaint under Section 138 of Negotiable Instruments Act, the petitioner was declared as proclaimed person due to his absence before the learned trial Court. He further submits that number of



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times the orders have been passed by this Court wherein it has been observed that once the main dispute is over, no purpose would be achieved by keeping the proceedings under Section 174-A IPC pending against the accused.

3. Notice of motion.

4. On advance notice, Mr. Kanwar Sanjiv Kumar, AAG, Haryana has put in appearance and accepts notice on behalf of the respondent-State and admits the factual assertion made by the petitioner. However, learned State counsel is unable to clear the position, as to whether complaint under Section 138 of the Negotiable Instruments Act has been withdrawn or not.

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

6. This Court has already examined the facts of similar nature in the case of "Microqual Techno Limited and Others Versus State of Haryana and another, 2015 (32) RCR (Criminal) 790; Law Finder DOC id; 737276, paragraph no.5 of the judgment, quoted as under:-

"5. In the present case, petitioners are facing criminal proceedings qua commission of offence punishable under Section 174A IPC. It is the case of the petitioners that they had not received the summons qua the criminal complaint under Section 138 of the Act pending against them. The moment petitioners came to know about the same, they have paid the cheque amount in question to the complainant and they have been discharged in the complaint under Section 138 of the Act. During the course of arguments, learned counsel for the petitioners has shown the reports of the Process Server and a perusal of the same leads to the interference that the petitioners had, in fact, not received the summons qua the pendency of criminal complaint under Section 138 of the Act. Since in the main case, petitioners have been ordered to be discharged in view of compromise effected between the parties, continuation of criminal proceedings against the petitioners under Section 174 A IPC would be nothing but an abuse of process of law."

7. In view of the above, order dated 29.05.2023 (Annexure P-2) to the



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extent of declaring the petitioner as proclaimed person is hereby set aside and accordingly FIR No.0803 dated 02.08.2023, under Section 174-A of the IPC, 1860, registered at Police Station HTM Hisar, District Hisar (Annexure P-3) and all subsequent proceedings arising therefrom are hereby quashed.

8. Disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

01.07.2025
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No