



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

**CRM-M-54893-2025
Date of decision: 29.09.2025**

SHARAFAT HUSSAIN

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Mohammad Arshad, Advocate
for the petitioner.

SUBHAS MEHLA, J. (ORAL)

1. Present petition has been filed by the petitioner under Section 528 of BNSS for setting aside the impugned order dated 28.07.2025 (Annexure P-2) passed by learned Sub Divisional Judicial Magistrate, Ferozepur Jhirka, District Nuh in complaint bearing No.NI/88/2021 dated 10.11.2021 (Annexure P-1) filed under Section 138 of Negotiable Instruments Act, 1881, vide which, petitioner has been declared as proclaimed person.

2. Learned counsel for the petitioner contended that the petitioner was declared proclaimed person on 28.07.2025 and on the next date of hearing, he made the payment to the complainant/respondent No.2. Upon which, the complaint has been dismissed as withdrawn vide order dated 02.09.2025 (Annexure P-4). Learned counsel requested that impugned order dated 28.07.2025, vide which, the petitioner was declared as proclaimed person be set aside, in the interest of justice.

3. Notice of motion.

4. Mr. Karan Veer Singh, Senior DAG, Haryana, who is present in the Court, accepts notice on behalf of respondent-State and submitted that he



CRM-M-54893-2025

-2-

has no objection if the impugned order is quashed by imposing some cost upon the petitioner.

5. Mr. Nasir Jamal, Advocate has put in appearance on behalf of respondent No.2 and filed his power of attorney. The same is taken on record. Learned counsel admitted that respondent No.2/complainant has no objection in case the impugned order is quashed as he has received the cheque amount as per compromise.

6. Heard.

7. Keeping in view the ratio of law laid down by a Co-ordinate Bench of this Court in *Jarnail Singh Bajwa vs. State of Punjab, 2024:PHHC:141955*, continuation of the proceedings arising from the impugned order would be an abuse to the process of law. Hence, present petition is allowed and the order dated 28.07.2025 (Annexure P-2) is set aside subject to payment of cost of Rs.15,000/- to be deposited with Punjab State Legal Services Authority-Disaster Relief Fund, Account No.44426937384, IFSC Code- SBIN0014656, State Bank of India, Sector-68, SAS Nagar (Punjab).

8. Petitioner is directed to place on record the copy of receipt of cost on the file within a period of one month. It is made clear that if the petitioner fails to place on record the copy of receipt, the present petition shall be deemed to be dismissed as withdrawn.

September 29, 2025

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(SUBHAS MEHLA)
JUDGE

- (i) Whether speaking/reasoned
(ii) Whether reportable

Yes/No
Yes/No