



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119

CRM-M-35770-2024 (O&M)

Decided on : 17.03.2025

Sunny Klair

. . . Petitioner(s)

Versus

State of Punjab and another

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**PRESENT:** Mr. Varun Sharma, Advocate
for the petitioner(s).

Mr. Amandeep Singh, DAG, Punjab.

Mr. Gurbinder Sidhu, Advocate for
Mr. A.S. Brar, Advocate, for respondent No.2.

SANJAY VASHISTH, J. (Oral)**CRM-10178-2025**

I. Present in this application filed under Section 528 of BNSS, 2023, is for staying the further proceedings before the learned Trial Court during the pendency of present petition i.e. CRM-M-35770-2024, before this Court.

II. On the very outset, learned counsel for the applicant-petitioner submits that he does not wish to press present application and states that if the proceedings of the main petition are pre-poned from 07.04.2025 to today itself, as the matter can be disposed of in terms of the various orders passed by this case in similar situated cases.

III. Dismissed as not pressed. However, in view of the oral request made by learned counsel for the applicant-petitioner, hearing of the main petition i.e. CRM-M-35770-2024, is pre-poned from 07.04.2025 to today

itself i.e. 17.03.2025, and the main petition is taken up for its disposal.

IV. CRM stands disposed of accordingly.

CRM-M-35770-2024

1. Instant petition, under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), has been filed for quashing of the FIR No.144, daed 27.06.2024, under Section 174-A of IPC, registered at Police Station Navi Baradari, District Jalandhar (Annexure P-1), as the petitioner was declared 'proclaimed person' on 05.01.2024 (Annexure P-2), in complaint No.NACT/2685/2023, along with all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner submits that complainant - Manohar Sharma (respondent No.2 herein) instituted a complaint u/s 138 of the Negotiable Instruments Act, 1881 (for brevity, 'NI Act') against the petitioner – Sunny Klair. After filing of the complaint, both the parties have entered into compromise, and thereupon, by giving a separate statement, Complaint No. NACT/2685/2023, was withdrawn vide order dated 12.07.2024 (Annexure P-4).

Further submits that on the very same day, statement of the complainant (respondent No.2) was also recorded, wherein, it is stated in specific that vide two demand drafts bearing No.004610, dated 05.07.2024, of Rs.5.00 lacs and No.004614, dated 11.07.2024, of Rs.5.00 lacs, total amounting to Rs.10.00 lacs, of the cheque amount has been received by him.

3. In support of his contention, learned counsel for the petitioner refers to statement of complainant suffered before learned trial Court, Jalandhar, which is reproduced here-under:-

“ stated that I have entered into a compromise with the accused Sunny Klair and I have received two demand drafts bearing Nos. 004610 dated 05-07-2024 of Rs.5,00,000/-, No.004614 dated 11-07-2024 of Rs.5,00,000/- total amounting to Rs.10,00,000/- of the cheque amount in

question. Photocopy of the drafts are Ex.D-1 and Ex.D-2. I have received the full and final payment from the accused through above said demand drafts, subject to encashment and now nothing is due towards the accused Suny Klair. So I do not want to proceed further with the present complaint and I will not proceed in any manner arising from the complaint in hand against the accused. I undertake to withdraw the complaint u/s 83 Cr.P.C. titled as "Manohar Sharma Vs. Sunny Klair" which is pending in this Court. So present complaint same may kindly be dismissed as withdrawn".

Consequential order dated 12.07.2024, passed by the learned trial Court, is also reproduced here-under:-

*"Present: Sh. G.K. AGNIHOTRI Advocate, for the complainant.
Accused on bail with counsel.*

Today Sh. Manohar Sharma, complainant, has suffered a statement regarding compromise conditions and withdraw of the present complaint. Separate statement has been recorded in this regard.

Accordingly, the present complaint stands dismissed as withdrawn. File be consigned to record room, after due compliance.

Date of Order: 12.07.2024

*(Rasveen Kaur)
Judicial Magistrate First Class-17
UID NO. PB00632"*

4. Learned counsel for the petitioner further submits that declaration of the petitioner as 'proclaimed person', and thereafter, registration of FIR No.144, dated 27.06.2024, under Section 174-A of IPC, would not be considered as material proceeding, once main offence from which such proceedings emerged, has already been withdrawn on the statement of the complainant. In support of the contention, learned counsel relies upon judgment of the co-ordinate Bench of this Court rendered in **CRM-M-47657-2022**, titled as, **"Randhir Singh Tyagi v. State of Haryana and another"**, decided on **17.10.2022**.

5. On the other hand, in view of the settled proposition of law, wherein, several other similar matters have already been decided by this Court, learned State counsel has no serious and authentic submissions before this Court to oppose the prayer made in present petition.

6. Heard.

7. Under these circumstances, once the proceedings under Section

138 of NI Act stands withdrawn on the basis of compromise, continuation of the instant FIR under Section 174-A of IPC is nothing but an abuse of process of law. In this regard reliance can be placed upon judgment rendered by this Court in the case of *Microqual Techno Limited and others v. State of Haryana and another*, 2015 (32) RCR (Criminal) 790, which has also been followed in *CRM-M-47891-2021*, titled as, "*Jitender Singh v. State of Haryana and another*", decided on 16.11.2021, and the order dated 05.09.2022, passed by this Court in *CRM-M-34291-2022*, titled as, "*Pankaj Sharma v. State of Haryana and another*".

8. Accordingly, instant petition is allowed. Order dated 05.01.2024 (Annexure P-2) declaring the petitioner as 'proclaimed person', and all consequential proceedings arising therefrom including FIR No.144, dated 27.06.2024, under Section 174-A of IPC, registered at Police Station Navi Baradari, District Jalandhar (Annexure P-1), as well as all consequential proceedings arising therefrom, stand quashed *qua* the petitioner.

Petition stands **disposed of** accordingly.

(SANJAY VASHISTH)
JUDGE

March 17, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No