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

CRM-M-1950-2025

Date of decision : 16.01.2025

Gurpreet Singh

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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Present :- Mr. Vikram Rathore, Advocate  
for the petitioner.

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**RAJESH BHARDWAJ, J. (Oral)**

1. This petition has been filed by the petitioner praying for quashing/setting aside the impugned order dated 16.01.2024 passed by learned Chief Judicial Magistrate, Kurukshetra in case No.CHI/52/2022 titled as State Vs. Gurpreet Singh whereby petitioner has been declared proclaimed offender. Further prayer has been made for setting aside the FIR bearing No.360 dated 24.11.2021, under Section 174-A of IPC, registered at Police Station Thanesar along with other subsequent proceedings arising therefrom. Further prayer has been made to stay the operation of the impugned order dated 16.01.2024 in view of the award passed on 11.02.2023 by the learned Chief Judicial Magistrate-cum-Presiding Officer National Lok Adalat, Kurukshetra as the original complaint under Section 138 of NI Act stands settled and petitioner/accused has been acquitted.

2. Learned counsel for the petitioner has submitted that the petitioner was prosecuted in the complaint under Section 138 of the NI Act. He submits that during the pendency of the same, petitioner was



declared as proclaimed person vide order dated 16.01.2024 and the impugned FIR was registered. He further submits that both the sides have amicably resolved their issue by way of compromise and thus, he was finally acquitted in the complaint by the trial Court vide order dated 11.02.2023 and thus, the impugned FIR and proclamation in the facts and circumstances of the case is nothing but an abuse of the process of the Court and as such, order dated 16.01.2024 passed by learned Chief Judicial Magistrate, Kurukshetra declaring the petitioner as proclaimed person is liable to be set aside.

3. Notice of motion.

4. On asking of the Court, Mr. Sumit Jain, Addl. AG, Haryana accepts notice on behalf of the State.

5. Learned State counsel on the other hand contends that the petitioner was rightly declared as a proclaimed person, pursuant to which FIR No.360 dated 24.11.2021, under Section 174-A of IPC at Police Station Thanesar was registered against the petitioner and the petitioner is liable to be prosecuted in the said case.

6. 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 case filed under Section 138 of NI Act and he was declared as a proclaimed person in the proceedings under the Negotiable Instruments Act. Ultimately, the matter was settled between the parties and petitioner is finally acquitted in the complaint by the trial Court vide order dated 11.02.2023, continuation of the proceedings under Section 174-A of IPC would not serve any purpose.



7. This Court time and again has held that when the 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 offender 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.

8. Thus, from the abovesaid facts, it is clear that the petitioner was prosecuted in a complaint case under Section 138 of the NI Act and due to his absence from the proceedings in said complaint, he was declared as Proclaimed Person on 16.01.2024 and ultimately, FIR No.360 dated 24.11.2021, under Section 174-A of IPC was registered at Police Station Thanesar. As has been alleged by learned counsel for the petitioner that the matter has been settled by the petitioner with respondent No.2 and petitioner is finally acquitted in the complaint by the trial Court vide order dated 11.02.2023, continuation of proceedings under Section 174-A IPC would not serve any purpose especially when the root cause of the dispute has been settled.

9. Keeping in view the above-said facts, the present petition is disposed of and order dated 16.01.2024 passed in Case No.CHI/52/2022 whereby petitioner was declared Proclaimed Person by learned Chief Judicial Magistrate, Kurukshetra along with subsequent proceedings arising out of the same including FIR No.360 dated 24.11.2021, under



Section 174-A of IPC registered at Police Station Thanesar is quashed subject to payment of costs of Rs.25,000/- to be paid by the petitioner to the Spinal Rehab Centre, Sector 28-A, Chandigarh within a period of 15 days from today. Petitioner is directed to furnish the copy of receipt of abovesaid costs within a period of 20 days from today before the Registry of this Court.

10. Petitioner would have protection from arrest for a period of 20 days from today. It is pertinent to mention here that in case petitioner fails to deposit the costs and furnish copy thereof before the Registry of this Court then the interim protection granted by this Court would be of no avail to the petitioner and the order under challenge dated 16.01.2024 and the FIR detailed above would be revived and the present petition would be deemed to have been dismissed.

16.01.2025  
*m. sharma*

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

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