

CRM-M No. 54020 of 2025

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

128

CRM-M No. 54020 of 2025  
Reserved on: 24.09.2025  
Pronounced on: 29.09.2025

Kala Patidar and another

.....Petitioners

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Meenal Garg, Advocate  
for the petitioners.

Ms. Shaveta Sanghi, DAG, Hayana.

\*\*\*

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
1038	11.06.2020	Shivaji Nagar	174-A IPC

1. Seeking quashing of FIR mentioned above, which was lodged in pursuance of the proclamation order dated 02-03-2020, passed by the Ld. Judicial Magistrate Ist Class, Gurugram, the petitioners have come up before this court under Section 528 BNSS.
2. After the dishonor of the cheque handed over by the second respondent to the petitioner, the second respondent filed a complaint against the petitioner under section 138 of the Negotiable Instruments Act, 1881.
3. The accused could not be served through the ordinary process, including summons, bailable warrants, or even non-bailable warrants. The concerned court finally proceeded against the petitioners under section 82 of the CrPC and declared the petitioners as proclaimed offender by the aforesaid order.
4. After the issuance of the proclamation, the matter was settled between the parties. The Ld. Court recorded the factum of compromise. As per the order dated 25-08-2021 passed by Judicial Magistrate, Ist Class, Gurugram, in Complaint No.138/2258/2018, the complaint was dismissed as withdrawn.
5. In paragraphs 5 and 10 of the petition, the petitioners explain as follows:

CRM-M No. 54020 of 2025

*“5. The Petitioners respectfully submit that they were never served with any valid notice or summons in the said proceedings, as it as matter of record that the service was effected upon a wrong and incorrect address, namely, House No. E-6 LB-74, Arera Colony. Bhopal, which does not belong to the Petitioners. In fact, the Petitioners correct and permanent address is 122 DK Devsthali, Bavadiya Kala, Bhopal-462039, which is duly reflected in their Aadhaar cards. A copy of the intimation notices sent to the SHO of Shivaji Nagar Police Station, Gurugram that records the addresses of both the Petitioners, are annexed herewith as Annexure P-3.*

x            x            x            x            x

*10. It is also crucial to note that the Petitioners are both senior citizens, and are suffering from serious medical ailments. In particular, Petitioner No. 1, Smt. Kala Patidar, has been diagnosed with cancer and is undergoing critical treatment. In such circumstances, the continuance of the present FIR proceedings amounts to subjecting the Petitioners to undue harassment and oppressive prosecution, especially when the foundational complaint has been withdrawn and the subject matter loan dispute itself has been amicably resolved. A copy of the medial records of the Petitioners are attached herewith and marked as Annexure P-6.*

6. In the case's factual background, I am satisfied with the explanation offered. The primary matter stands dismissed as withdrawn; there is no justification for continuing the ancillary proceedings under Section 174-A of the IPC.

7. Consequently, in the facts and circumstances peculiar to this case, above mentioned FIR as well as proclamation order dated 02.03.2020, are quashed. All pending warrants are hereby revoked and canceled, and further proceedings are also quashed.

8. Petition is allowed with the aforesaid observation. All pending applications, if any, stand closed.

(ANOOP CHITKARA)  
JUDGE

29.09.2025

anju rani

Whether speaking/reasoned: Yes

Whether reportable: No