



CRM-M-57419-2023

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

264

CRM-M-57419-2023 (O & M)

Date of decision: 28.08.2025

Deepak Verma

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kushager Goyal, Advocate,
for the petitioner.

Mr. Parmod Kumar, AAG, Haryana.

None for respondent No.2.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition filed under Section 482 Cr.P.C. for quashing of FIR No.998 dated 15.09.2023, under Section 174-A IPC, registered at Police Station HTM Hisar, District Hisar, and the order dated 06.07.2023 (Annexure P-4) passed in complaint bearing NACT No.1685 of 2022, titled as 'M/s. City Electronics vs. Guru Roadlines and others, under Section 138 N.I.Act., vide which the petitioner has been declared as proclaimed person.

2. Learned counsel contends that the petitioner was wrongly declared proclaimed person in the aforementioned complaint, vide impugned order dated 06.07.2023, however, the matter was compromised and the complaint itself stood withdrawn on 04.10.2023, Annexure P-5,

CRM-M-57419-2023

but during the interregnum, FIR under Section 174-A IPC was registered on 15.09.2023, Annexure P-1, whereafter, anticipatory bail, vide order dated 10.10.2023, Annexure P-6, has been granted to him. Thus, the submission made is that continuation of the present proceedings would amount to abuse of process of Court.

3. Learned State counsel submits that the FIR was rightly registered as the petitioner was declared proclaimed person by the trial Court for having absented, however, the factum of order dated 04.10.2023, whereby the complaint was withdrawn remained uncontroverted.

4. As is recorded in the order dated 15.11.2023, learned counsel for respondent No.2 expressed his 'No Objection' in case the FIR is ordered to be quashed.

5. Heard.

6. It is apposite to refer to the order dated 04.10.2023 passed by the trial Court, whereby the complaint in question itself was ordered to be dismissed as withdrawn, which reads thus:

“Original file requisitioned from record room upon an application filed on behalf of complainant for withdrawal of the case and directing the Bank Manager of Bandhan Bank, Hisar to defreeze the account number 10190004615148. Complaint be restored at its original number. Learned counsel for Complainant suffered a statement that he has compromised the matter with accused and he does not want to pursue further with the present complaint and withdraws the same. It is submitted in the application that account number 10190004615148 be defreeze. Heard. Statement of learned counsel for complainant perused. In view of statement made by learned counsel for complainant, present complaint stands dismissed as withdrawn. Perusal of file reveals that in the present case account number 10190004615148 of accused was

CRM-M-57419-2023

ordered to be freezed. Since, the matter has been compromised and case has been dismissed as withdrawn, therefore, account number 10190004615148 of accused is hereby ordered to be released. Copy of this order be sent to Bank Manager of Bandhan Bank, Hisar for information and necessary compliance. File be consigned to record room, after due compliance.”

7. In **Baldev Chand Bansal vs. State of Haryana and another**, CRM-M-43813-2018, decided on 29.01.2019, this Court quashed the FIR registered under Section 174-A IPC in pursuance of the settlement arrived at between the parties, and held thus:

“Prayer in this petition is for quashing of FIR No.64 dated 15.02.2017 filed under Section 174-A of the Indian Penal Code registered at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof as well as order dated 24.10.2016 passed by the trial Court vide which a direction was issued to register the aforesaid FIR.

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Learned counsel for the petitioner has relied upon the decisions rendered by this Court in " Vikas Sharma vs. Gurpreet Singh Kohli and another (supra), 2017, (3) L.A.R.584, Microqual Techno Limited and others Vs. State of Haryana and another, 2015 (32) RCR (CrI.) 790 and "Rajneesh Khanna Vs. State of Haryana and another" 2017(3) L.A.R. 555 wherein in an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the process of law.

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In view of the same, I find merit in the present petition and accordingly, present petition is allowed and the impugned order dated 24.10.2016 passed by Judicial Magistrate, 1st Class, Panchkula as well as FIR No.64 dated 15.02.2017 registered under Section 174-A of the Indian Penal Code at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof, are hereby quashed.”

CRM-M-57419-2023

8. In similar set of facts and circumstances, while placing reliance on the judgments of **Microqual Techno Ltd. vs. State of Haryana**, 2015 (32) RCR (Criminal) 790; **Rajneesh Khanna vs. State of Haryana and another**, 2017 (3) L.A.R. 555, CRM-M32612 of 2020, **Surender Singh vs. State of Haryana and another** decided on 12.01.2021, the proceedings initiated under Section 174-A IPC, were quashed by this Court in the case of **Murli Jha vs. State of Haryana** 2021(3) R.C.R.(Criminal) 563, by observing therein that, “I have considered the rival submissions of the parties. The FIR is an outcome of the order declaring the petitioner as a proclaimed person in proceedings initiated under section 138 of NI Act which stands settled, the complaint has been withdrawn and the proceedings against the accused petitioner were dropped. In such circumstances, the continuation of prosecution under Section 174-A IPC in pursuance to orders passed by the trial Court cannot be permitted to continue.”

9. In the present case, the petitioner was declared a proclaimed person on 06.07.2023, pursuant to which the impugned FIR was registered on 15.09.2023, however, during the interregnum, the main complaint itself stood withdrawn on 04.10.2023, hence this Court finding that continuation with the proceedings in question would amount to an abuse of the process of the Court, thus, in light of the judgment in **Ramesh Chandra vs. State of U.P.**, 2022 SCC OnLine SC 1634, the FIR is liable to be quashed, in exercise of power under Section 482 CrPC.

10. Accordingly, the present petition is allowed. The impugned

CRM-M-57419-2023

order dated 06.07.2023 (Annexure P-4) passed by learned JMIC, Hisar, is set aside and the resultant FIR No.998 dated 15.09.2023, under Section 174-A IPC, registered at Police Station HTM Hisar, District Hisar, is hereby quashed.

28.08.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No