CNR No: PHHC011337872026
2026:PHHC:111547

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

CRM-M-44798-2026 (O&M)
Date of Decision: 13.08.2026

Deepak Kumar .....Petitioner

Versus

State of Haryana .....Respondent

**CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Divyam Singh, Advocate, and
Mr. Yuvraj Garg, Advocate, for the petitioner.

**VIKRAM AGGARWAL, J (Oral).**

Prayer in the instant petition preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for quashing of FIR No.1090 dated 15.12.2022 registered under Section 209 of the Bharatiya Nyaya Sahnita, 2023, at Police Station Samalkha, District Panipat along with all consequential proceedings arising therefrom.

2. In a complaint instituted by the complainant (Jabbar Ali) under Section 138 of the Negotiable Instruments Act, 1881 (for short `the NI Act') N.I. Act, summons were issued to the petitioner. As despite service he did not cause appearance, proclamation under Section 82 Cr.P.C., was issued against the petitioner and vide order dated 25.11.2022 passed by the trial Court, the petitioner was declared a proclaimed person. As a

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result of the same, FIR No.1090 dated 15.12.2022 was registered against the petitioner under Section 209 of the BNS at Police Station Samalkha.

3. Learned counsel for the petitioner submits that the parties were in the process of settling the matter and for the said reason and under the said impression, the petitioner could not appear before the trial Court. Learned counsel submits that while declaring the petitioner a proclaimed person, the procedure as envisaged under Section 82 Cr.P.C. was not followed.

4. Learned counsel further submits that the matter between the parties stands settled and the complaint was withdrawn by the complainant on 01.03.2023 (Annexure P.4) passed by the Court of Judicial Magistrate, Ist Class, Samalkha. It is submitted that once the very complaint stands withdrawn, no purpose would be served by continuing with the order declaring the petitioner a proclaimed person and consequential registration of the FIR under Section 209 of the BNS and all the subsequent proceedings arising therefrom.

5. Notice of motion.

6. Mr. Amit Sahni, Addl. AG, Haryana, accepts notice on behalf of the respondent and opposes the prayer made in the petition.

7. I have considered the submissions made by learned counsel for the parties.

9. No doubt, a complaint under Section 138 of the N.I. Act, was filed by the complainant against the petitioner. As

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despite the issuance of summons/proclamation, the petitioner did not appear before the trial Court, he was declared a proclaimed person. However, the fact remains that the complaint filed by the complainant stands withdrawn on 01.03.2023 (Annexure P.4). The order dated 01.03.2026 passed by the Court of Judicial Magistrate, Ist Class, Samlakha, reads as under:-

> "File put up before me being Duty Magistrate as Ld. Presiding Officer is on Child Care Leave. An application for granting the permission to withdraw the complaint filed today. It be entered into CIS module.
>
> Let, docket be issued for summoning main file from the record room. Main file received. It be checked and registered to its original number as per law. Since the accused has already been declared proclaimed person VOD 21.01.2023. The complainant has suffered a separate statement in writing that compromise has been effected between the parties and he has received the cheque amount from the accused and nothing is pending towards accused. Hence, he does not want to proceed further with the present complaint and withdraws the same. He is duly identified by his counsel. Heard.
>
> In view of the statement so made, present complaint is hereby dismissed as withdrawn. File be sent back to the concerned Court and be consigned to the record room after due compliance."

10. Thus, once the complaint under Section 138 of the N.I. Act stands withdrawn, no useful purpose would be served by continuing with the FIR registered under Section 209 of the BNS and the consequential proceedings arising therefrom.

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11. A Coordinate Bench of this Court in **Baldev Chand Bansal vs. State of Haryana and another (CRM-M-43813-2018 decided on 29.01.2019)**, held as under:-

> "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.
>
> xxx xxx xxx
>
> 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 (Crl.) 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.
>
> xxx xxx xxx
>
> 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."

Still further, in **Narender Vs. State of Haryana and another (CRM-M-6659-2023 decided on 08.02.2023),** a

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Coordinate Bench of this Court, while relying upon the judgment in **Ashok Madan vs. State of Haryana and another, 2020(4) RCR (Criminal) 87**, quashed the order declaring the petitioner therein as a proclaimed person and consequential FIR under Section 174-A, IPC.

This Court in **Anil Dhiman Vs. State of Punjab and another (CRM-M-28812-2023 decided on 01.06.2023)**, while quashing the order vide which the petitioner therein was declared a proclaimed person and the consequential FIR under Section 174-A IPC, held as under:-

> "7. Going by the facts of the case, it is clear that even with the continuation of the FIR, no useful purpose will be served and the interest of justice demands that the same should be quashed. A Coordinate Bench of this Court also ceased of the same question relying upon the judgment in the case of ***Ashok Madan v. State of Haryana and another 2020 (4) RCR (Criminal) 87*** wherein it had been held that since the FIR under Section 174-A IPC had been registered only on account of absence from the proceedings in the main case which had been subsequently regularized by the Court while granting bail to the petitioner, the default stood condoned and, therefore, the FIR deserved to be quashed. A Coordinate Bench of this Court also took the same view in the case of ***Rahul Dureja and another v. State of Punjab 2022 (1) RCR (Criminal) 248*** and held as under:-
>
> > "A perusal of the above judgment would show that where FIR has been registered under Section 174-A of the IPC in view of the order passed in the proceedings under Section 138 of the Act of 1881, while declaring the petitioners as proclaimed persons in the said proceedings, a coordinate Bench after relying upon various judgments, had observed that once the accused persons had

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> appeared in the proceedings under Section 138 of the Act of 1881 and had been granted the concession of bail, then the effect of order declaring the accused person as proclaimed person would dissipate and the ground for registration of the FIR under Section 174-A of the IPC would no longer exist and thus, any proceeding under Section 174-A of the IPC would be an abuse of the process of the Court."
>
> 8. A similar view has been taken by the Coordinate Benches of this Court in ***Vikas Sharma v. Gurpreet Singh Kohli and another CRM-M-32465-2017, decided on 13.09.2017*** and ***Deepak v. State of Haryana and another CRM-M-14623-2021, decided on 17.02.2022***."

12. Learned State counsel has not been able to dispute the aforesaid facts and the position of law as laid down in the aforesaid judgments.

13. In view of the above, the instant petition is allowed. FIR No. 1090 dated 15.12.2022 registered under Section 209 of the BNS and all consequential proceedings arising therefrom, are hereby quashed.

Pending application(s) if any, shall also stand disposed of.

**(VIKRAM AGGARWAL)**
**JUDGE**

13.08.2026
ds

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

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