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

CRM-M-20853-2026

Date of Decision: 11.05.2026

Suresh Kumar

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sumit S. Bairagi, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition is for quashing of the impugned FIR No.1046 dated 25.12.2025 registered under Section 174-A IPC (now Section 209 BNS, 2023), registered at Police Station Civil Lines, District Karnal with all consequential proceedings alongwith the order dated 17.12.2025 passed by learned JMIC, Karnal, vide which the petitioner has been declared proclaimed person.

2. Learned counsel for the petitioner has submitted that the petitioner was prosecuted in a complaint filed under Section 138 of the NI Act, however, during the pendency of the same, the petitioner was declared as proclaimed person vide impugned order dated 17.12.2025 due to his absence and the impugned FIR under Section 174-A IPC was registered against him. He submits that even otherwise both the sides have compromised their inter-se dispute. He submits that on the basis of the said compromise, the main complaint itself has also been withdrawn vide order dated 09.02.2026. He further submits that once the main complaint itself stands withdrawn, prosecution of the petitioner in the impugned FIR



registered under Section 174-A IPC would be nothing but an abuse of the process of the law.

3. Notice of motion.

4. Mr. Tanuj Sharma, AAG, Haryana, accepts notice on behalf of the State.

5. 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 and he was declared as a proclaimed person vide order dated 17.12.2025. As submitted before this Court, the main complaint itself stands withdrawn.

6. This Court time and again has held that when the main 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 person 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.

7. So, keeping in view the above-said facts, it is clear that due to his absence, the petitioner was declared as proclaimed person and thereafter, FIR was registered. The dispute between the parties has been settled and the root cause of controversy i.e. the complaint has already been withdrawn.



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Continuation of the proceedings under Section 209 BNS shall be abuse of the process of the law as the main dispute has already been resolved in view of the settlement effected between the parties. Keeping in view the law settled, FIR No.1046 dated 25.12.2025 registered under Section 174-A IPC (now Section 209 BNS, 2023), registered at Police Station Civil Lines, District Karnal alongwith the order dated 17.12.2025, on the basis of which, the present FIR was lodged and all the consequent proceedings arising therefrom, are quashed.

8. The petition stands disposed of.

11.05.2026
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No