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CRM-M-36477-2020

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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Date of decision: 23.04.2026

T.V.C NAIR AND ORS

....Petitioners

Versus

STATE OF HARYANA AND ANOTHER

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Sankalp Sagar, Advocate for the petitioners.

Mr. Gagandeep Singh Chhina, Sr. DAG, Haryana

RUPINDERJIT CHAHAL, J. (ORAL)

1. The instant petition under Section 482 Cr.P.C. has been filed for quashing of the order dated 10.04.2019 (Annexure P-3) passed by the Judicial Magistrate Ist Class, Faridabad and further quashing of all other subsequent proceedings thereto qua the petitioners initiated under Section 174-A IPC, 1860, vide FIR No. 0234, dated 28.05.2019 registered at Police Station Sector 58, Faridabad (Annexure P-4).

2. Learned counsel for the petitioners submits that a complaint under Section 138 of the Negotiable Instruments Act, 1881 was filed by respondent No.2 regarding dishonour of cheque and was pending before the learned Judicial Magistrate Ist Class, Faridabad. During the trial, the petitioners, being senior citizens, could not appear before the Court due to ill health. Consequently, vide order dated 10.04.2019, they were declared proclaimed persons and FIR No.0234 dated 28.05.2019 under Section 174-A of the Indian Penal Code was registered against them. He further submits



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that the matter was later amicably settled between the parties and a compromise was effected. In view of the settlement, vide order dated 23.07.2019, the learned trial Court allowed withdrawal of the main complaint after recording the statement of respondent No.2, and the complaint under Section 138 was dismissed as withdrawn. It is contended that since the main complaint has already been withdrawn on the basis of compromise, continuation of the proceedings arising from the order declaring the petitioners proclaimed persons and the FIR under Section 174-A IPC would serve no useful purpose and would amount to abuse of the process of law. Therefore, prayer is made for quashing of order dated 10.04.2019 and FIR No.0234 dated 28.05.2019 (Annexure P-4).

3. Learned State counsel supports the impugned order, contending that the petitioners deliberately avoided appearance, leaving the trial Court with no option but to issue proclamation to secure their presence.

4. I have heard learned counsel for the parties and perused the record.

5. The object behind issuance of non-bailable warrants or proclamation is only to secure the presence of the accused persons and in the present case, the matter has been compromised between the parties and main complaint stands withdrawn.

6. In the present case, since the matter has been compromised between the parties and the main complaint stands withdrawn and all related proceedings have been closed, the order declaring the petitioners as proclaimed persons cannot continue to stand and the order loses its basis. Consequently, the continuation of the proceedings under FIR No.0234 dated



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28.05.2019 under Section 174-A of the Indian Penal Code (Annexure P-4) will be bad in law.

7. In view of the foregoing discussion and without delving into the merits of the case, the petition is allowed. The order dated 10.04.2019 declaring the petitioners proclaimed persons (Annexure P-3), FIR No. 0234, dated 28.05.2019 under Section 174A IPC (Annexure P-4) and all consequential proceedings arising therefrom are quashed.

23.04.2026

Mohit Bishnoi

(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No