



CRM-M-35340-2023

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

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CRM-M-35340-2023
Date of decision: 17.02.2026

Puneet

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE H.S. GREWAL

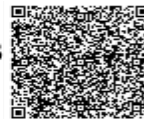
Present:- Mr. Tejinder Pal Singh, Advocate for the petitioner.

Mr. Vijay Kumar, AAG, Haryana.

H.S. Grewal, J.(Oral)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.778 dated 30.10.2019, under Section 174-A IPC, registered at Police Station Karnal, Civil Lines, District Karnal (Annexure P-5) along with all consequential proceedings arising therefrom as the complaint bearing No.NI-562-2018, titled as 'Cholamandalam versus Punit' instituted by respondent No.2 on 25.01.2018, under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'NI Act'), in the Court of learned JMIC, Karnal (Annexure P-1), whereby the petitioner was declared as 'Proclaimed Person' vide order dated 26.02.2019 (Annexure P-4), has already been dismissed as withdrawn vide order dated 16.01.2020 (Annexure P-8).

2. The brief facts of the case are that an initial complaint bearing NI-562-2018, titled as 'Cholamandalam versus Punit' had been filed by respondent No.2/complainant under Section 138 of NI Act for dishonouring of a cheque



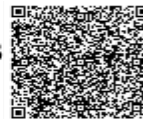
and the petitioner was summoned in the complaint, however, due to his non-appearance on 26.02.2019 (Annexure P-4), he was declared as a proclaimed person and the SHO concerned was directed to register a case under Section 174A IPC against the petitioner and as a result thereof, the present FIR under Section 174A IPC has been registered against him.

3. Learned counsel for the petitioner submits that the present FIR is the outcome of a criminal complaint filed against the petitioner under Section 138 of NI Act, wherein the petitioner was declared as a proclaimed person. He further submits that the complaint under Section 138 of NI Act has already been withdrawn by respondent No.2 as the matter has been settled between the parties. He has referred to a copy of the order passed by the trial Court on 16.01.2020 at Annexure P-8 in this regard. He, therefore, prays for quashing of the impugned FIR as the continuation of proceedings under Section 174A IPC would be an abuse of process of law.

4. Learned State counsel, upon instructions, has not disputed the factum of withdrawal of the aforesaid complaint.

5. I have heard learned counsel for the parties and have carefully gone through the material available on record.

6. Hon'ble the Supreme Court in the case of **Daljit Singh versus State of Haryana and another**, bearing Criminal Appeal No.4359 of 2024, decided on 02.01.2025, has quashed the impugned FIR therein registered under Section 174-A IPC on the ground that the initial complaint under Section 138 NI Act had been settled between the parties. The relevant extract thereof is reproduced hereunder:-



“7.3 Now, what happens if the status under [Section 82](#) Cr.P.C. is nullified i.e., the person subjected to such proclamation, by virtue of subsequent developments is no longer required to be presented before a Court of law. Then, can the prosecution still proceed against such a person for having not appeared before a Court during the time that the process was in effect. The answer is in the affirmative. We say so for the following reasons:-

(i) The language of [Section 174A](#), IPC says “whoever fails to appear at the specified place and the specified time as required by proclamation...”. This implies that the very instance at which a person is directed to appear, and he does not do so, this Section comes into play;

(ii) What further flows from the language employed is that the instance of non-appearance becomes an infraction of the Section, and therefore, prosecution therefore would be independent of [Section 82](#), Cr.P.C. being in effect;

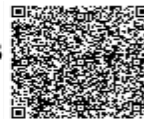
(iii) So, while proceedings under [Section 174A](#) IPC cannot be initiated independent of [Section 82](#), Cr.P.C., i.e., can only be started post the issuance of proclamation, they can continue if the said proclamation is no longer in effect.

(iv) We find that the Delhi High Court has taken this view, i.e., that [Section 174A](#), IPC is a stand-alone offence in [Mukesh Bhatia v. State \(NCT of Delhi\)](#)¹⁹; [Divya Verma v. State](#)²⁰; [Sameena & Anr. v. State GNCT of Delhi & Anr.](#)²¹ For the reasons afore-stated, we agree with the findings made in these judgments/orders. At the same time, it stands clarified that we have not commented on the merits of the cases.

(v) Granted that the offence prescribed in [Section 174A](#) IPC is indeed stand-alone, given that it arises out of an original offence in connection with which proceedings under [Section 82](#) Cr.P.C. is initiated and in the said offence the accused stands, subsequently, acquitted, it would be permissible in law for the Court seized of the trial under such offence, to take note of such a development and treat the same as a ground to draw the proceedings to a close, should such a prayer be made and the circumstances of the case so warrant.

8. In conclusion, we hold that [Section 174A](#) IPC is an independent, substantive offence, that can continue even if the proclamation under [Section 82](#), Cr.P.C. is extinguished. It is a stand-alone offence. That being the position of 2022 SCC OnLine Del 1023 2023 SCC OnLine Del 2619 Crl. M.C No, 1470 of 2021, Dated 17th May, 2022 law, let us now turn to the present facts. As we have already noted supra, the Appellant stands acquitted of the main offence.”

7. A Coordinate Bench of this Court, in similar circumstances, in the case of **Soni Kumar versus State of Punjab**, bearing CRM-M-55315-2024, decided on 10.01.2025, has quashed the FIR registered under Section 174-A IPC stating that where the main complaint has been withdrawn, the



continuation of proceedings would be an abuse of process of law. The relevant extract thereof is as under:-

“The inherent jurisdiction under Section 528 BNSS, 2023/Section 482 Cr.P.C., 1973 is primarily aimed at preventing abuse of judicial process and securing the ends of justice. Thus, when the dispute is essentially personal in nature and a genuine compromise has been reached, the High Court may intervene to quash the criminal proceedings recognizing the continuation thereof would be non-productive and unjust in the given circumstances. The inherent powers of a High Court are powers which are incidental replete powers, which if did not so exist, the Court would be obliged to sit still and helplessly see the process of law and Courts being abused for the purposes of injustice. In other words; such power(s) is intrinsic to a High Court, it is its very life immanent attribute. Without such power(s), a High Court would have form but lack the substance. These powers of a High Court hence deserve to be construed with the widest possible amplitude. These inherent powers are in consonance with the nature of a High Court which ought to be, and has infact been, invested with power(s) to maintain its authority to prevent the process of law/Courts being obstructed or abused. It is a trite posit of jurisprudence that though laws attempt to deal with all cases that may arise, the infinite variety of circumstances which shape events and the imperfections of language make it impossible to lay down provisions capable of governing every case, which in fact arises. A High Court which exists for the furtherance of justice in an indefatigable manner, should therefore, have unfettered power(s) to deal with situations which, though not expressly provided for by the law, need to be dealt with, to prevent injustice or the abuse of the process of law and Courts. The juridical basis of these plenary power(s) is the authority; in fact the seminal duty and responsibility of a High Court; to uphold, to protect and to fulfil the judicial function of administering justice, in accordance with law, in a regular, orderly and effective manner. In other words; Section 528 of BNSS, 2023 reflects peerless powers, which a High Court may draw upon as necessary whenever it is just an due process of law, to prevent vexation or oppression, to do justice substantial justice between the parties and to secure the ends of justice.



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10. Keeping in view the entirety of the attending facts and circumstances of the case in hand; especially the original offence being an offence under Section 138 of Negotiable Instruments Act of 1881, the original offence alleged to have been committed in the year 2021, the subject matter of the original offence having been settled amicably between the parties and the criminal complaint under Section 138 of Negotiable Instruments Act, 1881 having been withdrawn on the basis of such settlement/compromise; this Court deems it appropriate that the FIR as also all proceedings emanating therefrom deserve to be quashed.”

8. In the present case, since the original complaint case related to the dishonoured cheque has already been withdrawn as the matter has been settled between the parties, no useful purpose would be served by continuing the proceedings under Section 174A IPC against the petitioner.

9. Consequently, the present petition is allowed and FIR No.778 dated 30.10.2019, under Section 174-A IPC, registered at Police Station Karnal, Civil Lines, District Karnal (Annexure P-5) along with all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

February 17, 2026
A. Kaundal

(H.S. GREWAL)
JUDGE

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