



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

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CRM-M-3469-2025

Decided on : 05.03.2025

Balkaran Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Harmanpreet Singh Sehgal, Advocate for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Prayer in this petition, filed under Section 528 of BNSS, seeking quashing of FIR No.118, dated 11.09.2023, under Section 174-A of IPC, registered at Police Station Giddarbaha, District Sri Muktsar Sahib (Annexure P-1), and also the impugned order dated 12.09.2023 (Annexure P-4), passed by learned Sub Divisional Judicial Magistrate, Gidderbaha, in a Complaint Case filed under Section 138 of the Negotiable Instruments Act, 1881 (in short, 'NI Act') bearing case No. NACT-37-2022, titled as, "Narinder Mohan Vs. Balkaran Singh", vide which, order dated 12.06.2023 declaring petitioner as 'Proclaimed Person' was recalled, as well as all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner submits that in pursuance to the order of declaring petitioner as 'Proclaimed Person', petitioner was arrested and produced before the Court, thereafter, on account of compromise between the petitioner-accused and complainant, the complaint case bearing NACT No.37 of 2022 was also disposed of having been withdrawn by the complainant.



Infact, it appears that proceedings under Section 174-A IPC have been initiated in pursuance to the order dated 12.06.2023, whereby petitioner was declared as 'Proclaimed Person'. It is on 12.09.2023 when the main case i.e. Criminal complaint No. NACT/37/2022 was dismissed as having been withdrawn by the complainant, by noticing the fact that in pursuance to declaring as 'Proclaimed Person', petitioner-Balkaran Singh has already been arrested and produced before the Court. However, order dated 12.06.2023 could be said as ineffective because as a result of it, FIR under Section 174-A IPC had already been registered. Therefore, the said order, it was clarified by mentioning that "PO order dated 12.06.2023 is hereby recalled".

Implied meaning of such observation is that the order dated 12.06.2023 still exists because proceedings under Section 174 A IPC have already been initiated by registering a criminal case.

This is how petitioner is before this Court for seeking quashing of the FIR proceedings. For reference order dated 12.09.2023(Annexure P-4), passed by learned SDJM, Gidderbaha, is reproduced here-in-below:-

*"Present : Complainant in person with Shri Toshim Monga, Advocate
Accused Balkaran Singh in custody.*

*Accused Balkaran Singh arrested and produced before me
as he was declared PO vide order dated 12.06.2023. File summoned from
record room. File be restored at its original number.*

*Bail application on behalf of accused filed. Complainant
has suffered a statement that he has compromised with accused and have
received cheque amount. He has no objection the bail application of the
accused is allowed. He does not want to proceed with the present
complaint. Same may kindly be dismissed as withdrawn.*

*In view of the statement made by complainant, bail
application of accused stands disposed of. The present complaint stands
dismissed as withdrawn. Proceedings under Section 138 of N.I. Act are
dropped against accused Balkaran Singh. PO order dated 12.06.2023 is*



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hereby recalled. Copy of this order be sent to concerned SHO for information. File be consigned to the Record Room after due compliance.

Date of order: 12.09.2023.

*Amandeep Kaur
SDJM/Gidderbahar
UID No. PB0339."*

3. Learned counsel for the petitioner further submits that declaration of the petitioner as proclaimed Person, and thereafter, registration of FIR No.118, dated 11.09.2023 under Section 174-A of IPC, would not be considered as material proceeding, once main offence from which such proceedings emerged, has already been withdrawn on the statement of the complainant. In support of the contention, learned counsel relies upon judgment of the co-ordinate Bench of this Court rendered in **CRM-M-47657-2022**, titled as, "**Randhir Singh Tyagi v. State of Haryana and another**", decided on **17.10.2022**.

4. Notice of motion.

5. On asking of the Court, Mr. Amandeep Singh, DAG, Punjab, who is present in Court, accepts notice on behalf of respondent No.1 – State. Copy of the paper book has already been supplied to him.

6. In view of the settled proposition of law, wherein, several other similar matters have already been decided by this Court, learned State counsel has no serious and authentic submissions before this Court to oppose the prayer made in present petition.

7. Heard.

8. Under these circumstances, once the proceedings under Section 138 of NI Act stands withdrawn on the basis of compromise, continuation of the instant FIR under Section 174-A of IPC is nothing but an abuse of process of law. In this regard reliance can be placed upon judgment rendered



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by this Court in the case of *Microqual Techno Limited and others v. State of Haryana and another* (CRM-M-43210-2014; Date of Decision:14.09.2015), which has subsequently been followed in CRM-M-47891-2021, titled as, “*Jitender Singh v. State of Haryana and another*”, decided on 16.11.2021, and the order dated 05.09.2022, passed by this Court in CRM-M-34291-2022, titled as, “*Pankaj Sharma Vs. State of Haryana and another*”

9. Accordingly, instant petition is allowed. Order dated 12.09.2023 (Annexure P-4) and all consequential proceedings arising therefrom including FIR No.118 dated 11.09.2023, under Section 174-A of IPC, registered at Police Station Giddarbaha, District Sri Muktsar Sahib, as well as all consequential proceedings arising therefrom, stand quashed *qua* the petitioner.

Needless to observe anything that with the quashing of aforementioned FIR the partial objection of the order dated 12.06.2023 in regard to procuring the presence of the petitioner had already been recalled and for all other purposes same is deemed to be non-effective.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

March 05, 2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No