

2025:PHHC:175383



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10310-2024

CRM-M-10136-2024

CRM-M-10138-2024

Reserved On: 01.12.2025

Date of Decision: 16.12.2025

Uploaded On: 16.12.2025

CRM-M-10310-2024

ROOP SINGHPetitioner

VERSUS

STATE OF HARYANARespondent

CRM-M-10136-2024

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CRM-M-10138-2024

ROOP SINGHPetitioner

VERSUS

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CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Ms. Deepa Singh, Advocate (Amicus Curiae)
Ms. Chhavi Sharma, AAG, Haryana.

VINOD S. BHARDWAJ, J.

These three petitions have been filed seeking quashing of the proceedings arising of the proclamation order and the subsequent criminal case, in view of the fact that the parties have amicably settled their dispute and the petitioner has duly honoured the underlying financial liability. The details of each case are tabulated as under:-

Sr. No.	NACT/Complaint No.	Title	Date of order of proclamation	FIR No. and date
1.	NACT-1255-2018	Sh. Khatu Oil and General Mill versus Roop Singh	17.08.2022	791 dated 16.09.2022 under Section 174-A of the IPC at Police Station Sirsa City, District Sirsa
2.	NACT-1336-2018	M/s R.K. Enterprises versus Roop Singh	24.08.2023	694 dated 01.09.2023 under Section 174-A of the IPC at Police Station Civil Line Sirsa.
3.	NACT-1336-2018	M/s R.K. Enterprises versus Roop Singh	20.08.2022	709 dated 01.09.2022 under Section 174-A of the IPC at Police Station Sirsa City

appearing in the present case for last two dates. No one has appeared even today. Further wait is not justified. Hence, the cases are being decided by on merits by nominating an amicus. Ms. Deepa Singh, Advocate is appointed as an Amicus to assist the Court. She has gone through the Court file and has assisted the Court.

3. However, the facts of the present case are being taken from CRM-M-10310-2025.

4. The above petition has been filed for seeking quashing of the proclamation order dated 17.08.2022 passed in Case No. NACT-1255-2018 titled *Sh. Khatu Oil and General Mill v. Roop Singh*, as well as FIR No. 791 dated 16.09.2022 registered under Section 174-A IPC at Police Station Sirsa City, District Sirsa, together with all consequential proceedings arising therefrom, inasmuch as the parties have amicably resolved their dispute and the petitioner has already returned the cheque amount and the complaint stands withdrawn.

5. The facts of the present case, as evident from a perusal of the petition, are that in discharge of a pre-existing liability, the petitioner had issued a cheque in favour of the complainant, which, upon presentation, was dishonoured by the petitioner's banker for 'insufficiency of funds'. The complainant, after complying with the statutory requirements, instituted proceedings under Section 138 of the Negotiable Instruments Act, whereupon the petitioner was summoned and remained present before the Court on all dates except for 14.09.2021. Owing to his absence on that date, his bail was cancelled and upon his subsequent non-appearance, proclamation proceedings were initiated, culminating in an order declaring him a proclaimed person. In

consequence of such proclamation, an FIR was registered against the petitioner under Section 174-A of the IPC.

6. Subsequently, the petitioner and the complainant amicably resolved their dispute and the petitioner returned the entire cheque amount along with the compensation payable.

7. The complainant thereafter appeared before the learned Trial Court and made a written statement acknowledging full satisfaction of his claim and expressing his desire not to pursue the complaint any further.

8. On the basis of the complainant's statement, the proceedings under Section 138 of the NI Act were permitted to be withdrawn vide order dated 29.01.2024 and were accordingly dismissed.

9. It is the petitioner's case that, the substantive dispute having been settled in its entirety and the underlying financial liability having been discharged, no useful purpose would now be served by continuation of the FIR or by maintaining the petitioner's status as a proclaimed person.

10. Counsel appearing for the state contends that the offence contemplated under Section 174-A of the IPC constitutes an independent and substantive penal provision, the commission of which attains completion upon the failure of an individual to appear before the Court, after being duly proclaimed as per Section 82 of the Cr.P.C. It is contended that the subsequent compromise between the parties, the settlement of the underlying dispute or even the eventual withdrawal or extinguishment of the proclamation proceedings does not expunge the act constituting the offence under Section 174-A, as the liability for such non-appearance is distinct from the merits of the original complaint.

11. I have heard the counsel for the parties and have gone through the documents appended with the present petition.

12. Undisputedly, the dispute between the private parties concerning the cheque amount has already been resolved, inasmuch as the substantive controversy has been fully settled and the underlying financial liability has been duly discharged.

13. In ***Baldev Chand Bansal v. State of Haryana and another (CRM-M-43813-2018, decided on 29.01.2019)***, a co-ordinate Bench of this Court has 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.

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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.

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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.”

14. A perusal of the above judgment would show that in a similar case where FIR was registered under Section 174-A IPC pursuant to an order passed by the Trial Court in proceedings under Section 138 of the Negotiable Instruments Act, 1881, while declaring petitioner therein as proclaimed offender, a co-ordinate Bench after relying upon various judgments observed that once the main petition under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, continuation of proceedings under Section 174-A IPC is nothing but an abuse of the process of law. The said aspect was one of the main consideration for allowing the petition and setting aside the order declaring the petitioner therein as proclaimed person as well as quashing of FIR under Section 174-A IPC.

15. Another co-ordinate Bench of this Court in a case titled as **Ashok**

Madan versus State of Haryana and another, reported as **2020(4) RCR (Criminal) 87** has also held as under:-

“No doubt, the learned counsel for the respondent has vehemently argued that the offence under Section 174A I.P.C. is independent of the main case, therefore, merely because the main case has been dismissed for want of prosecution, the present petition cannot be allowed, however, keeping in view the fact that the present FIR was registered only on account of absence from the proceedings in the main case which had been subsequently regularised by the court while granting bail to the petitioner, the default stood condoned. In such circumstances, continuation of proceedings under Section 174A I.P.C. Shall be abuse of the process of court. Accordingly, the petition is allowed. FIR No.446 dated 21.08.2017, registered under Section 174A I.P.C. At Police Station Kotwali, District Faridabad, as well as consequential proceedings shall stand quashed.”

16. Reiterating the same principle, in case of Hitesh H. Shah (supra), continuation of proceedings under Section 174-A IPC were held to be abuse of the process of law, once main dispute between the parties has already ended.

17. Under these circumstances, once the very complaint case under Section 138 of the Negotiable Instruments Act, 1881, filed against the present petition stands withdrawn, on the basis of compromise, continuation of FIR

bearing No.200 dated 31.08.2016 under Section 174-A of IPC, 1860 registered at Police Station Bhiwani Civil, District Bhiwani, is nothing but an abuse of process of law. In this regard reliance can also be placed upon judgment rendered by this Court in the case of Microqual Techno Limited and others versus State of Haryana and another (supra), which has also been followed in Jitender Singh versus State of Haryana and another (CRM-M-47891-2021, decided on 16.11.2021).

18. The Supreme Court in the case of *Daljit Singh v. State of Haryana* reported as *2025 SCC OnLine SC 1* has clarified that while Section 82 of the Code of Criminal Procedure is intended to secure the presence of an accused by declaring him an absconder for evading legal process, Section 174A of the Indian Penal Code creates a distinct substantive offence for failure to appear in compliance with such a proclamation. The offence under Section 174A is complete the moment the accused fails to appear at the specified time and place and may continue even if the proclamation under Section 82 is subsequently withdrawn. However, if the accused is ultimately acquitted of the principal offence for which the proclamation was issued, the proceedings under Section 174A would not subsist.

19. Accordingly, these petitions are allowed and proclamation under FIRs tabulated below:

Sr. No.	NACT/Complaint No.	Title	Date of order of proclamation	FIR No. and date
1.	NACT-1255-2018	Sh. Khatu Oil and General Mill versus Roop Singh	17.08.2022	791 dated 16.09.2022 under Section 174-A of the IPC at Police Station Sirsa

				City, District Sirsa
2.	NACT-1336-2018	M/s R.K. Enterprises versus Roop Singh	24.08.2023	694 dated 01.09.2023 under Section 174- A of the IPC at Police Station Civil Line Sirsa.
3.	NACT-1336-2018	M/s R.K. Enterprises versus Roop Singh	20.08.2022	709 dated 01.09.2022 under Section 174- A of the IPC at Police Station Sirsa City

along with all subsequent proceedings emanating therefrom, are quashed qua the petitioner herein. However, the same would be subject to payment of costs of ***Rs.15,000/-***“ to be deposited by the petitioner(s) in each petition, with the ***“Red Cross Old Age Home, Account No.50100286016319, IFSC Code: HDFC0004030, HDFC Bank Sector-15, Panchkula”***, within two months from receipt of certified copy of this order.

DECEMBER 16, 2025

Vishal Sharma

(VINOD S. BHARDWAJ)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No