



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

CRM-M-14191-2023
Date of decision: 21.05.2025

SATINDER SINGH SIDHU

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Tajeshwar Singh Sullar, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR bearing No.11 dated 27.02.2017 registered under Section 174-A of IPC at Police Station Kotwali, Nabha District Patiala (Annexure P-1) and all consequential proceedings emanating from complaint filed under Section 138 of Negotiable Instruments Act, 1881 and 420 of Indian Penal Code.

2. Learned counsel for the petitioner submits that the petitioner was convicted and sentenced by learned Judicial Magistrate Ist Class, Nabha vide judgment and order dated 28.07.2014. Against the said judgment, the petitioner filed an appeal before learned Additional Sessions Judge, Patiala, whereby, he could not appear due to unavoidable circumstances. Upon his non-appearance, the learned lower Appellate Court declared the petitioner as proclaimed person and subsequent FIR (*supra*) was registered. It is further submitted that a settlement has been arrived at between the petitioner and the



complainant, whereby, the petitioner has paid the entire cheque amount to the complainant. Moreover, the petitioner had challenged his judgment of conviction by referring **CRR No.3129 of 2019**, which was allowed vide order dated 10.01.2024 passed by this Court and judgment of conviction and order of sentence passed by learned trial Court and judgment passed by learned lower Appellate Court were set aside and complaint filed by the complainant was dismissed and the petitioner was acquitted.

3. Learned counsel for the petitioner *inter alia* contends that the drill of the mandatory provision of Section 195 Cr.P.C. has not been followed in the present case, which is pre-requisite for filing of an FIR under Section 174-A of IPC.

4. Learned State counsel supports the order passed by the learned trial Court by contending that the petitioner did not put in appearance before the trial Court intentionally and deliberately and, therefore, having left with no other option, proclamation was issued to secure his presence. However, she could not controvert the fact that the drill of Section 195 Cr.P.C. was not followed before registering FIR (*supra*) and the fact that compromise has been effected between the parties.

5. Having heard learned counsel for the parties and after perusing the record, it appears that the matter pertaining to complaint under Section 138 of NI Act already stands settled by the parties as the petitioner has paid the amount agreed upon to the complainant. As such, no useful purpose will be served if proceedings under FIR (*supra*) are allowed to continue. Reliance in this regard has been placed upon the judgments rendered in, **Baldev Chand Bansal vs. State of Haryana and another** CRM-M 43813-2018 decided on



29.01.2019, ***Vikas Sharma vs. Gurpreet Singh Kohli and another 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.***

6. A Co-ordinate Bench of this Court in ***Vikas Gupta vs. State of Haryana and others*** CRM-M-19636-2018 decided on 01.08.2018, while quashing the FIR under Section 174-A of the IPC, speaking through Justice Rajbir Sehrawat, has made the following observations:

“The ultimate aim, objective and goal of a legal system is to reconcile the social conflicts. Law is required only to ensure that people do not have to fight with each other just to protect their right to property, right to life and liberty and other rights secured to them by the legal system. The civil disputes are the conflicts between two parties, having lesser overtones for the social order, social harmony or the society as such. Hence absolute freedom is given to the parties to settle their disputes by compromises, of course, coming with certain legal consequences as well. However, the criminal disputes do not necessarily restrict themselves to only two parties to the dispute in terms of their scope, consequences and effect. The criminal acts tend to cast their effect and consequences even upon the society at large. Therefore, the law prescribes punishment, severe punishments and the extreme punishments, including death penalty for criminal acts.”

7. Moreover, the drill of Section 195 Cr.P.C. has not been followed in the present case. A co-ordinate bench of this Court in ***Pardeep Kumar vs. State of Punjab and another*** CRM-M No.41656 of 2023 decided on 23.08.2023, speaking through Justice Arun Monga made the following observations:



"Invoking criminal liability for the offence under section 174A of IPC:

xxx xxx xxx

xvii. Once the Court decides to proceed against the petitioner for an offence under Section 174A of the IPC, it is imperative to institute a formal written complaint in the competent jurisdictional court. This imperative arises from the prevailing provision of section 195 of the Code of Criminal Procedure, 1973 which mandates that no Court shall take cognizance of any offence punishable under Sections 172 to 188 (both inclusive) of the Indian Penal Code except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate."

8. In view of the facts and circumstances of the present case, this Court is of the considered opinion that once the substantive offence has been settled through compromise between the petitioner and the complainant, the FIR (*supra*) would serve no beneficial purpose to the cause of justice.

9. Accordingly, the present petition is allowed and FIR bearing No.11 dated 27.02.2017 registered under Section 174-A of IPC at Police Station Kotwali, District Patiala (Annexure P-1) along with all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

May 21, 2025
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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |