

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

CRM-M-13924-2025

Date of decision: 19.12.2025

SUNIL BHATT**....Petitioner****Versus****STATE OF U.T. CHANDIGARH AND ANR.****....Respondents****CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present:- Mr. Ujwal Anand, Advocate for the petitioner.

Mr. Samir Rathaur, Addl. P.P. UT Chandigarh.

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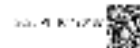
RUPINDERJIT CHAHAL, J. (ORAL)

1. The instant petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for quashing of FIR No. 68 dated 08.04.2024, registered under Section 174-A of the IPC at Police Station Sector 36, Chandigarh (Annexure P-1).

2. The substratum of the impugned FIR, as delineated in the petition, emanates from proceedings in a criminal complaint under Section 138 of the Negotiable Instruments Act, 1881 wherein the petitioner was declared as a proclaimed person vide order dated 20.03.2024 (Annexure P-6). It is on the strength of such proclamation order that the present FIR under Section 174-A of the IPC came to be registered.

3. Learned counsel for the petitioner contends that the proclamation order suffered from patent illegality, being in contravention of mandatory

provisions of law and thus was quashed by the Co-ordinate bench vide



order dated 19.09.2024 in *CRM-M-16562 of 2024* thereby rendering further prosecution in respect of the present FIR wholly redundant.

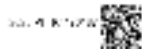
4. Learned State Counsel has vehemently opposed the prayer and submitted that the present petition cannot be allowed.

5. The pivotal question for consideration is whether continuation of proceedings under Section 174-A of the IPC is justified when the order declaring petitioner proclaimed person, the very genesis of the present FIR ceases to exist.

6. The inherent jurisdiction vested in this Court under Section 528 BNSS, 2023 (analogous to Section 482 Cr.P.C., 1973) is designed to advance substantive justice and to prevent misuse of judicial process. The said power, being plenary in nature, obliges this Court to harmonize the letter of the law with its spirit, ensuring that technicalities do not eclipse the ends of justice.

7. In the considered view of this Court, once the order declaring the petitioner as proclaimed person ceases to exist, the FIR which was registered consequently upon declaring the petitioner as proclaimed person is also required to be closed.

8. Keeping in view the fact that the present FIR was registered only on account of absence of the petitioner from the proceedings in the main case which had been subsequently regularized by this Court while granting bail to the petitioner, the default stood condoned. In such circumstances, continuation of proceedings under Section 174-A of the IPC shall be abuse of the process of court.



9. Accordingly, the petition is allowed. All criminal proceedings arising out of FIR No.68 dated 08.04.2024, registered under Section 174-A of the IPC at Police Station Sector 36, Chandigarh, are hereby quashed.

10. Pending miscellaneous applications, if any, stand(s) disposed of, accordingly.

19.12.2025
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(RUPINDERJIT CHAHAL)
JUDGE

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