



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-18171-2024 (O&M)

Date of decision: 28.08.2025

Baljinder Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

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

Present :- Mr. Davinder Singh, Advocate for the petitioner(s).

Mr. I.P.S. Sabharwal, DAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The present petition has been filed by the petitioner seeking quashing of the case bearing FIR No.281 dated 15.10.2019 under Section 174-A of IPC, 1860 registered at Police Station City Rajpura, District Patiala and order dated 03.07.2023 (Annexure P-5) whereby the petitioner was declared proclaimed person in a criminal complaint titled 'Devi Dayal vs. Baljinder Singh' bearing No. COMA-1698 of 2018, under Section 138 NI Act, on the ground that the matter has been compromised between the private parties in the aforesaid criminal complaint and the said complaint already stands dismissed as withdrawn vide order dated 20.03.2024 (Annexure P-6).

2. Briefly summarised, the facts of the instant case are that as alleged, the petitioner had borrowed a sum of Rs.10,000/- from respondent No.2-Complainant and in discharge of his said liability, the petitioner issued



a cheque bearing No.844615 dated 15.09.2018 for the said amount, which was dishonoured and complaint dated 02.11.2018 under Section 138 of the Negotiable Instruments Act, 1881 was filed by complainant-respondent No.2. In the said complaint, the petitioner was declared as a proclaimed offender vide order dated 25.09.2019 passed by the learned Judicial Magistrate 1st Class, Rajpura and FIR No.281 dated 15.10.2019 under Section 174-A of IPC, 1860 at Police Station City Rajpura, District Patiala was registered. The petitioner thereafter approached the Sessions Court and he was granted the concession of anticipatory bail vide order dated 07.12.2019 passed by the learned Addl. Sessions Judge, Patiala. Challan was presented on 31.07.2020 and notice was issued to the petitioner for 19.09.2020, but due to Covid-19 Pandemic Break, he could not put his appearance and consequently, he was declared as a proclaimed offender vide order dated 03.07.2023 passed by the Sub-Divisional Judicial Magistrate, Rajpura. Thereafter, a compromise was effected between the parties in complaint under Section 138 of the Negotiable Instruments Act, 1881 and on the statement of the complainant-respondent No.2, the complaint stands dismissed as withdrawn vide order dated 20.03.2024.

3. In support of his submissions, learned counsel for the petitioner has placed reliance on a judgment passed by co-ordinate Bench of this Court in the case of ***Hitesh H. Shah versus State of Haryana and another (CRM-M-12034-2022, decided on 13.07.2022)***, and submits that case of petitioner is identical on facts and law to that of the referred judgment.

4. It is clear that dispute between private parties regarding cheque



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amount has already been resolved, inasmuch as, main petition stands withdrawn by the complainant himself on 20.03.2024, as already noticed above.

5. 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.”

6. 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.

7. 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.”

8. 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.

9. 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 No.281 dated 15.10.2019, under Section 174-A IPC (Annexure P-3), registered at Police Station City Rajpura, is nothing but an abuse of process of law. In this regard reliance can also be placed upon judgment rendered by



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this Court in the case of *Microqual Techno Limited and others versus State of Haryana and another*, which has also been followed in *Jitender Singh versus State of Haryana and another (CRM-M-47891-2021, decided on 16.11.2021)*.

10. Accordingly, this petition is allowed and FIR No.281 dated 15.10.2019, under Section 174-A IPC (Annexure P-3), registered at Police Station City Rajpura, along with all subsequent proceedings emanating therefrom, are quashed qua the petitioner herein.

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(VINOD S. BHARDWAJ)
JUDGE

28.08.2025

Mangal Singh

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