



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

322

CRM-M-25473-2025 (O&M)

Date of Decision: 20.11.2025

SURESHO ALIAS SERESHO DEVI

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

....Respondents

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Inderjeet Singh, Advocate for the petitioner.

Mr. Amritpal Singh Gill, DAG, Punjab.

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 order dated 26.09.2022 (Annexure P-1) declaring the petitioner as proclaimed person under Section 84 of BNSS by JMIC, Sub Division, Bilaspur in a complaint NIA Act/126/2017 dated 17.05.2017 under Section 138 of Negotiable Instruments Act and subsequent FIR NO. 243 under Section 174A IPC dated 02.12.2023 (Annexure P-5) registered in Police Station Pratap Nagar and Challan (Annexure P-6) dated 20.12.2023 and subsequent proceedings arising out of it and order dated 22.10.2024 (Annexure P-7) vide which bail of petitioner cancelled.

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 a proclaimed person. It is on the strength of such proclamation



order that the present FIR under Section 174-A IPC came to be registered.

3. Learned counsel for the petitioner contends that the proclamation order itself suffers from patent illegality, being in contravention of mandatory provisions of law. It is further urged that the underlying complaint under Section 138 of the NI Act, 1881 already stands withdrawn, thereby rendering further prosecution in respect of the present FIR wholly redundant. Reliance is placed on the order dated 14.11.2024, wherein the complainant categorically sought withdrawal of the complaint.

4. On the contrary, learned State counsel has opposed the prayer, and submits that the proceedings in the present FIR are separate from the main complaint and thus, the present petition deserves dismissal.

5. I have heard learned counsel for the parties and perused the record.

6. The pivotal question for consideration is whether continuation of proceedings under Section 174-A IPC is justified where the original complaint under Section 138 NI Act, 1881 the very genesis of the proclamation order has since been withdrawn.

7. A Co-ordinate Bench of this Court in ***Mohammad Hanif Attari v. State of Haryana*** (CRM-M-51049-2019, decided on 06.07.2023), while relying upon earlier precedents including ***Baldev Chand Bansal v. State of Haryana*** (CRM-M-43813-2018, decided on 29.01.2019) and ***Ashok Madaan v. State of Haryana 2020 (4) RCR (Criminal) 87***, has held that where the principal proceedings culminating in a proclamation order have been settled/withdrawn, continuation of prosecution under Section 174-A IPC would be an abuse of process of law.



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 the High Court to harmonize the letter of the law with its spirit, ensuring that technicalities do not eclipse the ends of justice.

9. In the facts of the present case, it is not in dispute that the original proceedings arising out of a complaint under Section 138 NI Act, 1881, is a compoundable offence; and the complaint itself has been withdrawn by the complainant.

10. In this backdrop, continuation of prosecution under Section 174-A IPC, when the substratum of the dispute has been obliterated, would serve no fruitful purpose and would rather amount to unnecessary harassment of the petitioner as well as avoidable burden upon the judicial system.

11. Accordingly, the petition is allowed. All criminal proceedings, inclusive of the FIR No.243 dated 02.12.2023 under Section 174-A IPC registered at Police Station Partap Nagar, are hereby quashed. The Appellant's status, as a 'proclaimed person' is set aside.

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

20.11.2025
Mohit Bishnoi

(RUPINDERJIT CHAHAL)
JUDGE

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