



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

CRM-M-28256-2025 (O&M)

Date of decision: 23.05.2025

JAYA JUNEJA

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 528 BNSS, 2023 for quashing of FIR No. 56 dated 08.01.2022 registered under Section 174-A IPC at Police Station Shivaji Nagar, District Gurugram and all the subsequent proceedings arising out of the same.

2. The brief facts of the present case are that a complaint under Section 25 of the Payment & Settlement Systems Act, 2007 read with Section 357 of Cr.P.C. was filed on 08.11.2017 against the petitioner, wherein the petitioner was declared as proclaimed person and subsequently, FIR (*supra*) was registered.

3. Learned counsel further contends that complainant-respondent No. 2 has already withdrawn the main case instituted under Section 25 of Payment & Settlement Systems Act, 2007 read with Section 357 of Cr.P.C. as is discernible from the order dated 09.09.2023 passed by the Presiding Officer, National Lok Adalat, Gurugram and further petitioner was never served and was declared proclaimed person without following the drill of Section 82



Cr.P.C. Further, the mandatory drill of Section 195 Cr.P.C. has also not been followed in its letter and spirit by the trial Court.

4. Notice of motion.

5. Ms. Geeta Sharma, DAG Haryana, who is present in the Court accepts notice on behalf of respondent No. 1-State and 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.

6. 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.

7. 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.”

8. 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."

9. 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.

10. Accordingly, the present petition is allowed and FIR bearing No. 56 dated 08.01.2022 registered under Section 174-A of IPC at Police Station Shivaji Nagar, District Gurugram (Annexure P-1) along with all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

May 23, 2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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