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

**CRM-M No.32000 of 2025
Date of decision: 01.07.2025**

Nand Kishore Holani

.....Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rajesh Goyal, Advocate
for the petitioner.

Mr. Vijesh Sharma, Addl. A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of FIR No.0172, dated 06.03.2025, under Section 209 of BNS, 2023, registered at Police Station Panipat City, Panipat (Annexure P-2) and order dated 13.02.2025 passed by the learned Judicial Magistrate First Class (Annexure P-3) whereby the petitioner has been declared proclaimed offender in complaint under Section 138 of NI Act bearing NACT No.1406 of 2021 dated 28.09.2021 (Annexure P-1) along with all consequential proceedings arising therefrom.

2. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the impugned complaint under Section 138 of the Negotiable Instruments Act. He has submitted



that without complying with the provisions of Section 82 of Cr.P.C., the petitioner was declared as proclaimed offender vide impugned order dated 13.02.2025. He has further submitted that the petitioner was neither served with any notice nor any warrant or summon but merely on the presumption that he was intentionally avoiding the service, without adopting the proper procedure of law, issued proclamation against him and without completing the statutory period of 30 days from the date of publication of the proclamation, the petitioner was declared as Proclaimed offender and FIR under Section 209 of BNS was registered against him. He has submitted that thereafter the petitioner filed bail application before the learned Sessions Court and the same was allowed by the learned trial Court vide order dated 06.05.2025. He submits that since then the petitioner is residing in Rajasthan and not been able to arrange the surety and thus he has not joined the investigation within time. He has submitted that the petitioner has no criminal antecedents. He has submitted that in the facts and circumstances, the impugned FIR along with order of proclamation deserves to be quashed by permitting the petitioner to appear before the Court.

3. Notice of motion to official respondent at this stage.

4. On asking of the Court, Mr. Vijesh Sharma, Addl. A.G., Haryana appears and accepts notice on behalf of respondent No.1-State. He, on the other hand, has contended that the petitioner was rightly declared as proclaimed offender and pursuant to which FIR No.0172, dated 06.03.2025, under Section 209 of BNS was registered against the petitioner and the petitioner is liable to be prosecuted in the said case, as



he had failed to appear in the Court despite orders.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is apparent that the present FIR was registered due to non-appearance of the petitioner in a complaint case filed under Section 138 of the Negotiable Instruments Act and he was declared as proclaimed offender in the proceedings under the Negotiable Instruments Act. The petitioner was granted bail by the learned trial Court vide order dated 06.05.2025 but he has not joined the investigation. The petitioner is now ready to appear before the trial Court. As the petitioner is ready to join the proceedings, the continuation of the proceedings under Section 209 of BNS, 2023 would not serve any purpose.

7. So, keeping in view the above-said facts and the law settled, continuation of the proceedings under Section 209 of BNS, 2023 (Section 174-A of IPC) shall be abuse of the process of the Court. Consequently, the present petition is disposed of and impugned order dated 13.02.2025 passed in a Complaint Case bearing NACT No.1406 of 2021 dated 28.09.2021 whereby the petitioner was declared as Proclaimed offender by the learned Judicial Magistrate Ist Class, Panipat along with all consequential proceedings arising out of the same, including the impugned FIR No.0172, dated 06.03.2025, under Section 209 of BNS, 2023 (Section 174-A of IPC), registered at Police Station Panipat City, Panipat are hereby quashed subject to payment of costs of Rs.25,000/- by the petitioner to be paid to the complainant/respondent No.2 within ten days from today. The trial Court will issue notice to the complainant and



on his appearance Rs.25,000/- cost deposited by the petitioner will be released to him forthwith.

8. Needless to say that in case the petitioner fails to comply with the abovesaid direction, the order under challenge dated 13.02.2025 along with FIR in question and consequential proceedings would come in force and the present petition shall be deemed to have been dismissed.

01.07.2025			(RAJESH BHARDWAJ)
<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No