

2025.PHHC:169723



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

229

CRM-M-40339-2024 (O&M)
Date of decision: 05.12.2025

Jagjit Singh and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Impinder Singh Dhaliwal, Advocate for the petitioners.

Mr. Jasjit Singh, DAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition filed under Section 528 BNSS for quashing of FIR No.117 dated 04.07.2023, registered under Section 174-A IPC, at Police Station Division No.6, District Police Commissionerate Jalandhar and all the consequential proceedings arising therefrom.
2. Learned counsel submitted that the petitioners were summoned in a complaint under Section 138 of the Negotiable Instruments Act, wherein due to his absence on 09.03.2023, he was declared proclaimed person and above-noted FIR was directed to be registered against him, however, the complainant had withdrawn the present complaint vide order dated 11.06.2024 and the petitioners were acquitted. Thus, the submission made is that continuation of the present proceedings would amount to abuse of process of law.
3. Learned State counsel submits that the FIR under Section 174-A IPC was rightly registered as the petitioners were declared proclaimed person by the

trial Court for having absented, however, the factum of acquittal vide order dated 11.06.2024, remained uncontroverted.

4. Heard.

5. In **Baldev Chand Bansal vs. State of Haryana and another**, CRM-M-43813-2018, decided on 29.01.2019, this Court quashed the FIR registered under Section 174-A IPC in pursuance of the settlement arrived at between the parties, and held thus:

“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. In similar set of facts and circumstances, while placing reliance on the judgments of **Microqual Techno Ltd. vs. State of Haryana**, 2015 (32) RCR (Criminal) 790; **Rajneesh Khanna vs. State of Haryana and another**, 2017 (3) L.A.R. 555, CRM-M32612 of 2020, **Surender Singh vs. State of Haryana and another** decided on 12.01.2021, the proceedings initiated under Section 174-A

IPC, were quashed by this Court in the case of **Murli Jha vs. State of Haryana** 2021(3) R.C.R.(Criminal) 563, by observing therein that, “I have considered the rival submissions of the parties. The FIR is an outcome of the order declaring the petitioner as a proclaimed person in proceedings initiated under section 138 of NI Act which stands settled, the complaint has been withdrawn and the proceedings against the accused petitioner were dropped. In such circumstances, the continuation of prosecution under Section 174-A IPC in pursuance to orders passed by the trial Court cannot be permitted to continue.”

7. The petitioners having joined the proceedings subsequent to their being declared proclaimed person and the Court having extended him the concession of bail, whereafter they even stand acquitted by the trial Court, are factored to conclude that the very purpose of initiation of proclamation proceedings, that was to compel and secure his presence to face the trial and establish the rule of law, so as to ensure finalization of the proceedings, stood nonetheless achieved.

8. In view of the foregoing, the present petition is allowed.

05.12.2025

ashok

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No

(AMAN CHAUDHARY)

JUDGE