



CRM-M-45377-2025

1

121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45377-2025

Date of Decision: 21.08.2025

JAGDEV SINGH SEKHON

..... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Ajaypal Singh Sandhu, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG Punjab.

Yashvir Singh Rathor, J. (Oral)

1. Petitioner is seeking quashing of order dated 18.04.2023 (Annexure P.4) vide which he was declared a proclaimed person in case bearing No.NACT/223/2019 dated 11.03.2019 by the Court of Chief Judicial Magistrate, Zira, under Section 138 of Negotiable Instruments Act, 1881, titled "***Baldev Singh Vs. Jagdev Singh***".

2. Learned counsel for the petitioner contends that the complaint was instituted on 11.03.2019 and petitioner was declared a proclaimed person vide order dated 18.04.2023 (Annexure P-4). However, subsequently matter was compromised between the parties and complainant has withdrawn the complaint under Section 138 of Negotiable Instruments Act, 1881 (for short 'NI Act'). Learned counsel further contended that since the main case under NI Act has been withdrawn on account of compromise between the parties, the order vide which petitioner was declared a proclaimed person is also liable to be quashed.

3. I have heard the learned counsel for the petitioner as well as the learned State counsel and have gone through the material collected by the police during investigation.

4. A Coordinate Bench of this Court in CRM-M-18724-2024



CRM-M-45377-2025

2

titled as '*Deepak Nagpal Vs. State of Haryana*' vide order dated 20.03.2025 has held that once the main case complaint under Section 138 of NI Act has been withdrawn on account of compromise between the parties, the proceedings vide which the accused has been declared a proclaimed person are liable to be quashed. To the same effect is the law laid down by Hon'ble Supreme Court in Criminal Appeal No.4359 of 2024 titled as '*Daljit Singh Vs. State of Haryana*' decided on 02.01.2025 in which it has been held that the proceedings vide which the accused was declared a proclaimed person or the proceedings under Section 174-A of IPC which have been initiated are liable to be quashed in case, the main case is compromised between the parties. In the present case also, petitioner was declared proclaimed person vide order dated 18.04.2023 (Annexure P-4) and main complaint case under Section 138 of NI Act has been withdrawn vide order dated 24.05.2025 (Annexure P-4) and in these circumstances, the order dated 18.04.2023 (Annexure P.4) vide which petitioner was declared a proclaimed person is liable to be quashed.

5. In view of the factual position as stated above, the petition is allowed and the impugned order dated 18.04.2023 (Annexure P.4) and all consequential proceedings arising therefrom, if any, instituted against the petitioner are quashed.

6. Pending misc. application (s), if any, shall also stand disposed of.

(Yashvir Singh Rathor)
Judge

August 21, 2025

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Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No