



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

CRM-M-53112-2025 (O&M)
Date of Decision: 03.11.2025

AVTAR SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Vaibhav Narang, Advocate
 for the petitioner.

YASHVIR SINGH RATHOR, J. (Oral)

CRM-40226-2025

The applicant through instant application under Section 528 of BNSS, 2023 is seeking permission to place on record Annexure P-6.

Allowed as prayed for.

Annexure P-6 is taken on record, subject to all just exceptions.

CRM-M-53112-2025

1. The instant petition has been filed under Section 528 of BNSS, 2023 is seeking quashing of FIR No.208 dated 21.11.2019 under Section 174-A of IPC registered at Police Station Fatehgarh Sahib (Annexure P-1) and all consequential proceedings arising therefrom and for setting aside the impugned order dated 19.10.2019 (Annexure P-3) passed in NACT-958-2018 titled as '*Harjit Singh Vs. Avtar Singh*' vide which petitioner was declared a proclaimed person.



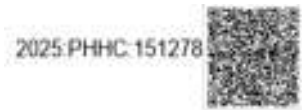
2. Notice of motion. Mr. Jatinder Pal Singh, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1-State.

3. I have heard learned counsel for the parties and perused the relevant material on record.

4. Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to order dated 16.12.2021 (Annexure P-6) from which it stands reflected that in view of a statement made by the complainant, the aforesaid complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act) was dismissed as withdrawn on the basis of a compromise. A prayer, therefore, has been made that in the aforementioned facts and circumstances, no purpose will be served by prosecuting the petitioner under Section 174-A IPC. In support of his submissions, learned counsel has placed reliance upon the judgment of this Court in (CRM-M-11846-2023) titled '***Sher Singh vs. State of Haryana***' decided on 09.03.2023 wherein in identical facts and circumstances, the FIR registered under Section 174-A of the IPC against the petitioner was quashed.

5. Learned State counsel has opposed the prayer made by the counsel opposite and contended that it was evident that the petitioner had intentionally not appeared during the proceedings before the Court below and hence, the prayer of the petitioner deserved to be declined.

6. A Coordinate Bench of this Court in CRM-M-18724-2024 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 19.10.2019 (Annexure P-3) and main complaint case under Section 138 of NI Act has been withdrawn vide order dated 16.12.2021 (Annexure P-6) and in these circumstances, the order dated 19.10.2019 (Annexure P-3) vide which petitioner was declared a proclaimed person is liable to be quashed.

7. In view of the factual position as stated above, the petition is allowed and the impugned order dated 19.10.2019 (Annexure P-3) and all consequential proceedings arising therefrom, if any, instituted against the petitioner are quashed.

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

(YASHVIR SINGH RATHOR)
JUDGE

03.11.2025
Priyanka Thakur

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No