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CRM-M-57347-2025

2025PHHC0160003



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

CRM-M-57347-2025

Date of decision: 03.12.2025

JARNAIL SINGH

....Petitioner

Versus

STATE OF HARYANA AND ANR.

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Dheeraj Narula, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG Haryana.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. Instant petition under Section 528 BNSS, 2023 has been filed seeking quashing of the impugned order dated 02.04.2025 (Annexure P-15) passed by learned Judicial Magistrate Ist Class, Sirsa in complaint case No.NACT-954-2022 dated 02.07.2022 titled '*Gurmej Singh vs. Jarnail Singh etc*' vide which the petitioner has been declared as proclaimed person.

2. The substratum of the aforesaid complaint, as delineated in the petition, emanates from proceedings in a criminal complaint under Section 138 of the Negotiable Instruments Act, 1881, wherein proclamation was issued against the petitioner. It is on the strength of such proclamation order that the petitioner was declared proclaimed person and impugned FIR was registered.

3. Learned counsel for the petitioner contends that the underlying complaint under Section 138 of the NI Act, 1881 already stands withdrawn by the complainant pursuant to receiving the entire cheque



amount, thereby rendering further prosecution in respect of the impugned order wholly redundant. Reliance is placed on the order dated 16.04.2025 (Annexure P-16) passed by the learned Judicial Magistrate Ist Class, Sirsa wherein the complainant categorically sought withdrawal of the complaint and accordingly on 16.04.2025 itself the the complaint stood dismissed as withdrawn.

4. Mr. Ramender Singh Chauhan, AAG, Haryana puts an appearance and opposes the request of the petitioner by pointing that the petitioner has hoodwinked the process of law as such, his present petition deserves to be dismissed.

5. I have heard learned counsel for the parties and perused the record.

6. The pivotal question for consideration is whether continuation of proceedings declaring the petitioner proclaimed person be justified, particularly when the original complaint under Section 138 NI Act, 1881 the very genesis of the proclamation order has since been withdrawn.

7. A Co-ordinate Bench of this Court in ***Mohammad Hanif Attari v. State of Haryana*** (CRM-M-51049-2019, decided on 06.07.2023), while relying upon earlier precedents including ***Baldev Chand Bansal v. State of Haryana*** (CRM-M-43813-2018, decided on 29.01.2019) and ***Ashok Madaan v. State of Haryana*** 2020 (4) RCR (Criminal) 87, has held that where the principal proceedings culminating in a proclamation order have been settled/withdrawn, continuation of prosecution under Section 174-A IPC would be an abuse of process of law.



8. The inherent jurisdiction vested in this Court under Section 528 BNSS, 2023 (analogous to Section 482 Cr.P.C., 1973) is designed to advance substantive justice and to prevent misuse of judicial process. The said power, being plenary in nature, obliges the High Court to harmonize the letter of the law with its spirit, ensuring that technicalities do not eclipse the ends of justice.

9. In the facts of the present case, it is not in dispute that the original proceedings arising out of a complaint under Section 138 NI Act, 1881, is a compoundable offence; and the complaint itself has been withdrawn by the complainant.

10. In this backdrop, continuation of prosecution under Section 174-A IPC, when the substratum of the dispute has been obliterated, would serve no fruitful purpose and would rather amount to unnecessary harassment of the petitioner as well as avoidable burden upon the judicial system.

11. Accordingly, the petition is allowed. Impugned order dated 02.04.2025 (Annexure P-15) passed by learned Judicial Magistrate Ist Class, Sirsa declaring the petitioner as proclaimed person is hereby quashed.

12. Pending miscellaneous applications, if any, stand(s) disposed of, accordingly.

(RUPINDERJIT CHAHAL)
JUDGE

03.12.2025
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No