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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 1623/2025**

VIKRAM HARYANI

.....Petitioner

Through: Mr. Rajesh Manchanda, Ms. Aditi Singhal, Ms. Sakshi Sharma, Mr. Deepanshu and Mr. Mayank Nautiyal, Advocates

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Ms. Kiran Bairwa, APP for the State with W/SI Beena, PS Dwarka North with IO HC Kapil Dev, PS Vijay Vihar

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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07.03.2025

Crl. M.A. 7339/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL. M..C. 1623/2025

3. The present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No. 0462/2018 under Section 174-A IPC registered at Police Station Dwarka North, New Delhi on the ground that the parties in the underlined offence have already settled the matter.
4. Learned counsel appearing on behalf of the petitioner submits that a complaint bearing CC No. 3659/2017, titled as 'Bajaj Finance Ltd. Vs. M/s



VH Fashions Pvt. Ltd. & Ors.’ was filed by the complainant/Bajaj Finance Limited in the Court of Metropolitan Magistrate, (N.I. Act-04) Dwarka, New Delhi in which the present petition was arraigned as accused No. 4.

5. He submits that the accused No. 1 company as well as the present petitioner (Accused No. 4) were summoned by the learned Metropolitan Magistrate in the said complaint to stand the trial under Section 25 of the Payment and Settlement Systems Act, 2007. He submits that the petitioner/accused no. 4 failed to appear before the learned MM and accordingly he was declared a Proclaimed Offender *vide* order dated 05.06.2018 and subsequently the present FIR came to be registered.

6. He submits that during the pendency of the aforesaid complaint, the parties therein had arrived at a settlement and the offence was compounded and accordingly, the summoned accused persons including the present petitioner, were acquitted of the offence.

7. He submits that since the underlying offence was compounded and the petitioner/accused has already been acquitted, therefore, no useful purpose will be served in continuing the prosecution against the present petitioner under Section 174-A IPC.

8. In support of his submission, he has placed reliance on the decision of the Hon’ble Supreme Court in ***Daljit Singh vs. State of Haryana & Anr., 2025 SCC OnLine SC 1***, in which under similar circumstances the Hon’ble Supreme Court had quashed the FIR under Section 174A IPC as the appellant therein stood acquitted in the underlying offence. The relevant part of which reads thus:-

“7.1. The purpose of Section 82 Cr. P.C., as can be understood from a bare reading of the statutory text is to ensure that a person



who is called to appear before a Court, does so. This Section appears as part of Chapter VI which is titled 'Process to Compel Appearance'. Section 83 to 90 provide for the additional method of attachment of property to the end of securing appearance. Necessarily then some or the other proceeding has to be ongoing for which the presence of such person is necessary. The words of the Section dictate that it can be only issued in respect of a person against whom a warrant has been issued. Neither a warrant nor proclamation subsequent can be conjured up out of thin air.

7.2. Section 174A IPC, inserted by the 2005 Amendment to the Penal Code, 1860 inserts a substantive offence, prescribing punishment of three years or fine or both when such proclamation is issued under Section 82(1) Cr. P.C. and, seven years and fine if the said proclamation is under Subsection (4) thereof. The object and purpose of this Section is to ensure penal consequences for defiance of a Court order requiring a person's presence.

7.3. Now, what happens if the status under Section 82 Cr. P.C. is nullified i.e., the person subjected to such proclamation, by virtue of subsequent developments is no longer required to be presented before a Court of law. Then, can the prosecution still proceed against such a person for having not appeared before a Court during the time that the process was in effect. The answer is in the affirmative. We say so for the following reasons:—

(i) The language of Section 174A, IPC says “whoever fails to appear at the specified place and the specified time as required by proclamation...”. This implies that the very instance at which a person is directed to appear, and he does not do so, this Section comes into play;

(ii) What further flows from the language employed is that the instance of non-appearance becomes an infraction of the Section, and therefore, prosecution therefor would be independent of Section 82, Cr. P.C. being in effect;



(iii) So, while proceedings under Section 174A IPC cannot be initiated independent of Section 82, Cr. P.C., i.e., can only be started post the issuance of proclamation, they can continue if the said proclamation is no longer in effect.

(iv) We find that the Delhi High Court has taken this view, i.e., that Section 174A, IPC is a stand-alone offence in *Mukesh Bhatia v. State (NCT of Delhi)*¹⁹; *Divya Verma v. State*²⁰; *Sameena v. State GNCT of Delhi*²¹. For the reasons afore-stated, we agree with the findings made in these judgments/orders. At the same time, it stands clarified that we have not commented on the merits of the cases.

(v) Granted that the offence prescribed in Section 174A IPC is indeed stand-alone, given that it arises out of an original offence in connection with which proceedings under Section 82 Cr. P.C. is initiated and in the said offence the accused stands, subsequently, acquitted, it would be permissible in law for the Court seized of the trial under such offence, to take note of such a development and treat the same as a ground to draw the proceedings to a close, should such a prayer be made and the circumstances of the case so warrant.”

(emphasis supplied)

9. The aforesaid decision squarely applies to the facts of the present case, in as much as, the underlying offence in the present case was also compounded which resulted into acquittal of the petitioner/accused.

10. In view of the aforesaid factual position and regard being had to the decision of the Hon’ble Supreme Court in ***Daljit Singh*** (supra), this Court is of the view that no useful purpose will be served in continuing the proceedings arising out of the aforesaid FIR and the same deserves to be quashed to secure the ends of justice by exercising the inherent powers under Section 528 of BNSS, 2023.



11. Consequently, the petition is allowed and the of FIR No. 0462/2018 under Section 174-A IPC registered at Police Station Dwarka North, New Delhi alongwith all other proceedings emanating therefrom, is quashed.
12. The petition stands disposed of in the above terms.

VIKAS MAHAJAN, J

MARCH 7, 2025
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