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

+ CRL.M.C. 2684/2025 & CRL.M.A. 12035/2025

SH RAJESHWAR DAYAL PAREEK

.....Petitioner

Through: Mr. Purohit Batra, Advocate.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Hemant Mehla, APP for the
State.

ASI Sanjay Kumar, HC Lokesh, PS:
Rajouri Garden.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

23.09.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly under Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR no. 0113/2023 for offence under Section 174A of the Indian Penal Code, 1860³ registered at P.S. Rajouri Garden.

2. The aforementioned FIR emanates from an underlying complaint under Section 138 of the Negotiable Instruments Act, 1881. The underlying complaint has been settled and the payment has been made, as is evident from order dated 09th April, 2025 passed in Ct. Cases 1831/2018 by the

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



Judicial Magistrate, First Class, (NI Act-02) West, THC, Delhi.

3. The present case pertains to an offence under Section 174A IPC as the Petitioner had failed to appear before the Court, resulting in issuance of non-bailable warrants and initiation of proceedings under Section 82 Cr.P.C.

4. Counsel for the Petitioner submits that the Petitioner had initially appeared before the Trial Court, but thereafter could not remain present on subsequent dates as he did not receive proper intimation from his counsel. The Petitioner, who is a resident of Rajasthan, was dependent on his counsel for communication and was not made aware of the proceedings. It is further submitted that even the counsel subsequently stopped appearing before the Trial Court. In these circumstances, the non-appearance of the Petitioner was neither deliberate nor wilful, but an inadvertent lapse owing to lack of communication.

5. In view of the above, counsel for the Petitioner urges that the impugned FIR registered under Section 174A IPC, which was a consequence of the Petitioner being declared an absconder in the said complaint case, deserves to be quashed.

6. Although the offence under Section 174A of the IPC is non-compoundable, that alone does not preclude the exercise of inherent powers vested in this Court under Section 528 of the BNSS (corresponding to Section 482 of the Cr.P.C.). The High Court retains the discretion to quash proceedings in appropriate cases to secure the ends of justice or to prevent abuse of the process of law.

7. In the present case, the underlying complaint under Section 138 NI Act has already been amicably settled and stands disposed of. Furthermore, there is no material to suggest that the Petitioner wilfully evaded the



proceedings. In the Court's considered view, the continued prosecution of the FIR under Section 174A IPC, in these circumstances, would serve no useful purpose. This, therefore, is a fit case for the exercise of inherent jurisdiction under Section 528 BNSS.

8. That said, as the State machinery was set in motion and judicial time has been expended, the Court deems it appropriate to impose costs, so as to strike a balance between equity and the larger public interest.

9. In light of the foregoing, the impugned FIR no. 0113/2023 registered at P.S. Rajouri Garden and all consequential proceedings arising therefrom, are hereby quashed, subject to the Petitioner depositing a sum of INR 10,000/- with the Delhi Police Welfare Fund within a period of four weeks from today. Proof of payment shall be furnished before the concerned Investigating Officer for record and compliance.

10. The petition is disposed of along with pending application.

SANJEEV NARULA, J

SEPTEMBER 23, 2025

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