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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5154/2025 & CRL.M.A. 22316/2025**
SHRI GURDEEP SINGHPetitioner

Through: Mr. Puneet Bajaj, Advocate (through
VC).

versus

STATE N.C.T. DELHIRespondent
Through: Mr. Hemant Mehla, APP.
SI Ravi Kumar, P.S. Mayapuri.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **01.08.2025**

1. The present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973), seeks quashing of FIR No. 385/2022 under Section 174A of the Indian Penal Code, 1860² registered at P.S. Mayapuri.
2. The aforementioned FIR was registered against the Petitioner pursuant to his being declared an absconder in proceedings arising from Complaint Case No. 8357/2016 titled as ***Su-Kam Power Systems v. New Guru Battery and Spares*** pertaining to offence under Section 138 of the Negotiable Instruments Act, 1881.³
3. The impugned FIR was lodged following the Petitioner's failure to

¹ "BNSS"

² "IPC"

³ "NI Act"



appear before the Trial Court, which prompted the issuance of process under Section 82 CrPC and the consequent direction to register the FIR under Section 174A IPC.

4. Counsel for the Petitioner submits that the underlying complaint which led to the issuance of process and registration of the impugned FIR stands amicably resolved. In support of this contention, reliance is placed on order dated 13th January, 2025 passed by the Judicial Magistrate, First Class (NI Act-01), West District, Tis Hazari Courts, Delhi, whereby the Petitioner has been acquitted of the offence under Section 138 of the NI Act

5. He further submits that the Petitioner's non-appearance before the Trial Court was neither deliberate nor wilful. Upon gaining knowledge of the proceedings, the Petitioner voluntarily appeared before the Trial Court, surrendered, and sought bail. In this context, the Trial Court, by order dated 29th April, 2024 the Trial Court had passed the following order:

"It is submitted by Ld. counsel for the accused that non appearance of the accused was not intentional as he was not aware about the present matter. It is further submitted, that the accused is currently residing at Kothi no. 184, Sec-55, SAS Nagar (Mohali), Punjab.

In view of the submissions made, it appears that the non appearance of the accused was not deliberate. Also, as the offence u/s 138 NI Act is bailable in nature, the court is inclined to allow the present application.

As such court bail is granted to the accused on furnishing B/B and S/B in the sum of Rs. 70,000/- with one surety of like amount.

*BB/SB furnished on behalf of applicant/accused. Same are accepted **Application is accordingly disposed off.***

It is submitted by counsel for the accused that the accused has not received copy of complaint.

Matter be taken up on 28.05.2024.

Issue court notice to the complainant for NDOH.

Ahlmad is directed to restore/register the present file immediately.

Copy of this order be given dasti."



6. 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.

7. The Court has considered the submissions advanced. A perusal of the order dated 29th April, 2024 passed by the Trial Court makes it evident that the Petitioner's absence was not viewed as deliberate. The record also reflects that the Petitioner had shifted from the address originally mentioned in the complaint, and appears not to have received any prior intimation of the proceedings. Upon becoming aware, he surrendered, secured bail, and has since participated in the proceedings.

8. 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.

9. In the present case, the underlying complaint under Section 138 of the Negotiable Instruments Act has already been amicably settled and stands disposed of. Furthermore, there is no material to suggest that the Petitioner wilfully evaded the proceedings. On the contrary, the record reflects that upon learning of the pending case, the Petitioner voluntarily surrendered, sought bail, and began participating in 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 of the



BNSS.

10. 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.

11. Accordingly, the petition is allowed. FIR No. 385/2022 registered at P.S. Mayapuri, and all consequential proceedings arising therefrom, are hereby quashed, subject to the Petitioner depositing a sum of ₹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.

12. Disposed of.

SANJEEV NARULA, J

AUGUST 1, 2025/as