



2025:DHC:10994



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

% ***Date of Decision: December 3, 2025***

+ **W.P.(CRL) 3860/2025 & CRL.M.A. 34837/2025**

RITU BHATIA @ RITU MRATHIAPetitioner

Through: Mr. Arun Baali, Mr. Vinod Kumar & Ms. Arisha Ahmad, Advs. along with petitioner.

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Amol Sinha, ASC (Crl.) for the State along with Mr. Kshitiz Garg, Mr. Ashvini Kumar, Mr. Nitish Dhawan, Ms. Chavi Lazarus & Ms. Sanskriti Nimbekar, Advs.
SI Dharamveer, HC Faili Ram (main IO), PS Chhawla.
Mr. Sparsh Jamb, Adv. for R-2 along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. (Oral)

1. The present petition is filed by the petitioner seeking quashing of FIR No.298/2025 dated 18.07.2025, registered under Section 174-A of the Indian Penal Code, 1860 ('IPC'), at Police Station Chhawala, including all the proceedings emanating therefrom.

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2. The present FIR was registered pursuant to the declaration of the petitioner as a proclaimed person in proceedings initiated by Respondent No. 2 under Section 138 of the Negotiable Instruments Act, 1881 ('**NI Act**') being CC NI Act 32304/2021.

3. It is the case of the petitioner that the subject cheque, the dishonour of which led to filing of complaint under Section 138 of the NI Act, was issued at the time when the petitioner was married to one Mr. Vikas Bhatia.

4. The learned counsel for the petitioner submits that the petitioner parted ways with her erstwhile husband in the year 2020 and the cheque was used by her erstwhile husband dishonour of which led to filing of the subject complaint. He submits that the petitioner since got remarried and shifted her base to Jaipur and, therefore, was not aware of the pendency of the complaint. Therefore, the declaration of her as proclaimed person is bad in law.

5. He further submits that even otherwise the complainant has already settled the dispute and received the settlement amount and the learned Trial Court has already compounded the complaint under Section 138 of the NI Act.

6. Complainant is present in the Court and states that he has since received the entire settlement amount and the complaint filed by him under Section 138 of the NI Act has also been compounded. He submits that he has no objection if the present proceedings are also put to rest.

7. Offence under Section 174A of the IPC is non-compoundable in nature.





8. It is pertinent to note that the Hon'ble Apex Court in the case of ***State of Haryana v. Bhajan Lal* :1992 Supp (1) SCC 335**, had illustrated the category of cases where the Court may exercise its extraordinary power under Article 226 of Constitution of India or inherent jurisdiction to quash the proceedings. The relevant portion of the judgment is reproduced hereunder:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.



(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

(emphasis supplied)

9. As noted above, the proceedings under Section 138 of the NI Act, in which the non-appearance of the petitioner led to the registration of the subject FIR, has already been compounded and the complainant is also satisfied with the settlement amount. Moreover, it has been stated by the counsel of the petitioner that the petitioner had shifted her base to Jaipur and was not aware of the pendency of the complaint.

10. Thus, even though the offence under Section 174A of the IPC is a separate and distinct offence, which is not dependent on the parent offence and is in true sense an offence against the Court, however, considering the totality of circumstances, in the opinion of this Court, the continuance of the proceedings will not serve any purpose and would be an abuse of process of Court.

11. Keeping in view the nature of the dispute and the fact that the parties have amicably entered into a settlement, this Court

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dispute alive and continuance of the proceedings would amount to abuse of the process of Court. I am of the opinion that this is a fit case to exercise discretionary jurisdiction under Section 528 of the BNSS.

12. In view of the above, FIR No.298/2025 and all consequential proceedings arising therefrom are quashed,

13. The present petition is allowed in the aforesaid terms. Pending application(s) also stand disposed of.

AMIT MAHAJAN, J

DECEMBER 3, 2025

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