



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.14072 of 2024 (O&M)
Date of Decision :15.01.2026

Baldeep Singh

.....Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

This is a petition under Section 482 Cr.P.C. whereby quashing of FIR No.102 dated 26.08.2023 under Section 174-A IPC, Police Station Phul District Bhatinda, has been sought.

2. It has been pleaded by the petitioner that a complaint for the commission of offence punishable under Section 138 of Negotiable Instruments Act, hereinafter being referred to as 'N.I. Act', read with Section 142 of N.I Act was filed against him in the Court of learned Judicial Magistrate Ist Class, Phul with regard to dishnour of cheque dated 14.07.2021 for a sum of Rs.4,75,000/-. According to learned counsel for the petitioner he was not aware of filing of above mentioned complaint and with regard to pendency of above mentioned complaint he was never served with any summons. The petitioner has further alleged that since summons were never served upon him he never appeared before the learned trial Court, and the learned trial Court



without looking into the facts that the petitioner was not properly served, declared him to be a proclaimed offender, by virtue of order dated 12.07.2023, which led to filing of FIR in question. The petitioner has further pleaded that when he came to know about the above mentioned proceeding he approached the 'Bathinda Central Co-operative Bank Limited', the complainant in the above mentioned complaint, and that on payment of requisite amount the dispute between the petitioner and the complainant-bank was duly settled. According to complainant, on the basis of above mentioned compromise the complaint filed by the respondent-Bank was withdrawn and the same has been dismissed by the learned trial Court on 17.02.2024.

3. According to complainant, once the main case wherein he was summoned as an accused, and later on declared proclaimed offender, stands settled on the basis of compromise the present FIR under Section 174-A IPC deserves to be quashed.

4. Heard.

5. It has been contended by learned counsel for the petitioner that the main dispute between the petitioner and respondent No.2 was with regard to dishonour of cheque issued by the petitioner in favour of respondent No.2, and that the above mentioned prosecution under Section 138 of N.I. Act already stands decided as the complaint had been withdrawn by the respondent No.2. According to learned counsel for the petitioner, once the main case stands settled between the parties the present FIR deserves to be quashed.

6. In support of his arguments, the learned counsel for the petitioner has referred to the principles of law laid down by the Hon'ble Supreme Court



of India in the case of 'Daljit Singh Vs. State of Haryana and another, 2025(1) RCR (Criminal) 406'.

7. The learned State counsel has controverted the above mentioned arguments. It has been contended by learned State counsel that the FIR under Section 174-A IPC has nothing to do with the complaint under Section 138 of NI Act, as the FIR has been lodged in view of the fact that the petitioner was declared proclaimed offender. As per learned State counsel mere payment of money by the petitioner to the respondent No.2 cannot absolve him of the criminal liability with regard to dishonour of cheque. As per learned State counsel there is no merit in the present petition and the same deserves dismissed.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case there is no dispute qua the fact that there was a complaint filed by the respondent No.2 against the petitioner for the commission of offence under Section 138 of NI Act and that in the above mentioned complaint case the petitioner had never appeared before the trial Court and therefore, he never sought the benefit of bail from the trial Court. It is also an undisputed fact that the above mentioned complaint has already been dismissed by the learned trial Court, as the same has been withdrawn by the respondent No.2 on 17.02.2024.

10. In the backdrop of above mentioned facts the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Daljit Singh (supra)' are applicable. In the above mentioned case the Hon'ble Supreme Court while dealing with identical situation quashed the FIR under Section



174-A IPC.

11. Taking into consideration the fact that the present case is squarely covered by the principles of law laid down by the Hon’ble Supreme Court of India in the case of ‘Daljit Singh (Supra)’, I hold that in the given fact-situation once the main case stands dismissed as withdrawn, the FIR under Section 174-A amounts to abuse of process of law and deserves to be quashed. The same is hereby quashed accordingly.

(SURYA PARTAP SINGH)
JUDGE

15.01.2026
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No