



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M No.23608 of 2026
Date of decision: 26.05.2026**

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...Petitioner

Versus

State of Haryana and another

...Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Dr. Jaiveer Singh Malik, Advocate and
Mr. Dharmender Singh Malik, Advocate
for the petitioner.

MANDEEP PANNU, J. (Oral)

1. The present petition has been filed under Section 528 of BNSS 2023/482 Cr.P.C. for quashing of impugned order dated 05.02.2026 (Annexure P-3) [wrongly mentioned as order dated 27.11.2025 (Annexure P-2) in the present petition] passed by learned Judicial Magistrate 1st Class, Bhiwani, whereby the petitioner has been declared as proclaimed person in Case bearing no. NACT/266/2024 under Section 138 of the Negotiable Instruments Act, 1881 and for quashing of FIR No.108 dated 11.03.2026 under Section 209 of BNS/174-A IPC, registered at Police Station City Bhiwani, District Bhiwani (Annexure P-5) in view of the fact that the parties have arrived at a settlement and the main complaint case stands withdrawn.

2. Learned counsel for the petitioner contends that the petitioner was declared a proclaimed person vide order dated 05.02.2026 in a



complaint filed against her under Section 138 of Negotiable Instruments Act, and pursuant thereto, the present FIR under Section 209 BNS/174-A IPC has been registered. It has been further contended that a compromise has been entered into between the parties, pursuant to which, the complaint has already been withdrawn by the complainant vide order dated 09.02.2026 (Annexure P-4) as the petitioner has already made payment in respect of the cheque in question. In view thereof, he prays for quashing of the present FIR registered under Section 209 BNS/174-A IPC as well as order dated 05.02.2026, along with all consequential proceedings arising therefrom.

3. Notice of motion.

4. On the asking of the Court, Mr. Sushil Bhardwaj, Addl. A.G. Haryana accepts notice on behalf of the respondent-State and submits that the petitioner was rightly declared a proclaimed person and that the present FIR was rightly registered against him under Section 174-A IPC (Section 209 BNS), as the petitioner had failed to appear before the trial Court in proceedings arising out of the complaint under Section 138 of the Negotiable Instruments Act, despite due process of law.

5. I have heard learned counsel for the parties and have carefully gone through the material available on record.

6. By way of the instant petition, the petitioner is seeking quashing of the present FIR registered under Section 174-A IPC as well as order dated 05.02.2026 on the ground that the initial complaint bearing No.NACT/266/2024 has been withdrawn by the complainant as the



compromise has been entered into between the parties as the petitioner had already made the payment in respect of the cheque in question and the continuation of proceedings under Section 174-A IPC would be an abuse of process of law.

7. The Hon'ble Apex Court in the case of '***Daljit Singh versus State of Haryana and another***', bearing Criminal Appeal No.4359 of 2024, decided on 02.01.2025 has quashed the impugned FIR therein registered under Section 174-A IPC on the ground that the initial complaint under Section 138 NI Act had been settled between the parties. The relevant part of which is reproduced hereunder:-

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. State²⁰; Sameena & Anr. v. State GNCT of Delhi & Anr.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.

8. In conclusion, we hold that Section 174A IPC is an independent, substantive offence, that can continue even if the proclamation under Section 82, Cr.P.C. is extinguished. It is a stand-alone offence. That being the position of 2022 SCC OnLine Del 1023 2023 SCC OnLine Del 2619 CrI. M.C No, 1470 of 2021, Dated 17th May, 2022 law, let us now turn to the present facts. As we have already noted supra, the Appellant stands acquitted of the main offence.

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11. The Appellant has been acquitted which means that there is no case for which his presence is required to be secured. Resultantly, the appeal is allowed. In the attending facts and circumstances of the case, i.e. that the original offence pertains to the year 2010; the money subject matter of dispute stands paid, the judgment of the High Court with the



particulars as mentioned in paragraph 1 of this judgment, stands quashed and set aside. All criminal proceedings, inclusive of the FIR under Section 174A IPC, shall stand closed. The Appellant's status, as a 'proclaimed person' stands quashed"

8. Similarly, a Coordinate Bench of this Court, in the case of **'Soni Kumar versus State of Punjab'**, bearing **CRM-M-55315-2024**, decided on 10.01.2025 has quashed the FIR under Section 174-A IPC stating that where the main complaint has been withdrawn, the continuation of proceedings would be an abuse of process of law. The relevant extract thereof is as under:-

"The inherent jurisdiction under Section 528 BNSS, 2023/Section 482 Cr.P.C., 1973 is primarily aimed at preventing abuse of judicial process and securing the ends of justice. Thus, when the dispute is essentially personal in nature and a genuine compromise has been reached, the High Court may intervene to quash the criminal proceedings recognizing the continuation thereof would be non-productive and unjust in the given circumstances. The inherent powers of a High Court are powers which are incidental replete powers, which if did not so exist, the Court would be obliged to sit still and helplessly see the process of law and Courts being abused for the purposes of injustice. In other words; such power(s) is intrinsic to a High Court, it is its very life immanent attribute. Without such power(s), a High Court would have form but lack the substance. These powers of a High Court hence deserve to be construed with the widest possible amplitude. These inherent powers are in consonance with the nature of a High Court which ought to be, and has infact been, invested with power(s) to maintain its authority to prevent the process



of law/Courts being obstructed or abused. It is a trite posit of jurisprudence that though laws attempt to deal with all cases that may arise, the infinite variety of circumstances which shape events and the imperfections of language make it impossible to lay down provisions capable of governing every case, which in fact arises. A High Court which exists for the furtherance of justice in an indefatigable manner, should therefore, have unfettered power(s) to deal with situations which, though not expressly provided for by the law, need to be dealt with, to prevent injustice or the abuse of the process of law and Courts. The juridical basis of these plenary power(s) is the authority; in fact the seminal duty and responsibility of a High Court; to uphold, to protect and to fulfil the judicial function of administering justice, in accordance with law, in a regular, orderly and effective manner. In other words; Section 528 of BNSS, 2023 reflects peerless powers, which a High Court may draw upon as necessary whenever it is just and due process of law, to prevent vexation or oppression, to do justice substantial justice between the parties and to secure the ends of justice.

10. *Keeping in view the entirety of the attending facts and circumstances of the case in hand; especially the original offence being an offence under Section 138 of Negotiable Instruments Act of 1881, the original offence alleged to have been committed in the year 2021, the subject matter of the original offence having been settled amicably between the parties and the criminal complaint under Section 138 of Negotiable Instruments Act, 1881 having been withdrawn on the basis of such settlement/compromise; this Court deems it appropriate that the FIR as also all proceedings emanating therefrom deserve to be quashed.”*

9. In the present case, since the original complaint has been



withdrawn by the complainant vide order dated 09.02.2026, as the matter has been amicably settled between the petitioner and the complainant, no useful purpose would be served by continuing with the proceedings under Section 174-A IPC against the petitioner.

10. Resultantly, the present petition is allowed. FIR No.108 dated 11.03.2026 under Section 209 of BNS/174-A IPC, registered at Police Station City Bhiwani, District Bhiwani (Annexure P-5) as well as order dated 05.02.2026 (Annexure P-3) along with all the consequential proceedings arising therefrom, are hereby quashed qua the petitioner, subject to payment of costs of Rs.10,000/- to be deposited by the petitioner in the Poor Patients Welfare Fund, PGIMER, Chandigarh.

11. All pending applications, if any, also stand disposed of.

26.05.2026
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(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No