



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

Sr. No.127+287

CRM-M-21584-2026 (O&M)

Date of Decision: 20.05.2026

AVTAR SINGH SEHMBEY & ANOTHER

...Petitioners

Versus

STATE OF PUNJAB & ANOTHER

....Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Amit Dhawan, Advocate
for the petitioners.

Mr. Sahil Chowdhary, AAG, Punjab.

Mr. Himanshu Gulati, Advocate
for respondent No.2.

MANDEEP PANNU, J. (Oral)

CRM-18532-2026

Allowed as prayed for. Annexure P-5 is taken on record, subject to all just exceptions.

Main case

1. The present petition has been filed under Section 528 of BNSS 2023/482 Cr.P.C. for quashing of FIR No.129 dated 23.11.2024 under section 174-A IPC (Section 209 of BNS, 2023) registered at Police Station Division No.3, District Police Commissionerate, Jalandhar (Annexure P-1) with all the consequential proceedings arising therefrom.

2. Learned counsel for the petitioners contends that petitioners were declared proclaimed persons vide order dated 21.08.2023 in a complaint filed against them under Section 138 of Negotiable Instruments



Act, and pursuant thereto, the present FIR under Section 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that a compromise has been entered into between the parties, pursuant to which, the complaint has already been withdrawn by the complainant vide order dated 15.05.2025 (Annexure P-3) as petitioners have already made payment in respect of the cheque in question. In view thereof, they pray for quashing of the present FIR registered under Section 174-A IPC, along with all consequential proceedings arising therefrom.

3. On the other hand, learned State counsel contends that petitioners were rightly declared proclaimed persons and that the present FIR was rightly registered against them under Section 174-A IPC (Section 209 BNS), as petitioners 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.

4. Learned counsel for respondent No.2 admits the factum of compromise arrived at between the parties and states that he has no objection in case the present petition is allowed.

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 petitioners are seeking quashing of the present FIR registered under Section 174-A IPC on the ground that the initial complaint bearing No. NACT/22988/2022 has been withdrawn by the complainant as the compromise has been entered into between the parties as petitioners 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. State*²⁰; *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 also, since the original complaint has been withdrawn by the complainant vide order dated 15.05.2025, as the matter has been amicably settled between the petitioners and the complainant, no



useful purpose would be served by continuing with the proceedings under Section 174-A IPC against the petitioners.

10. Resultantly, the present petition is allowed. FIR No.129 dated 23.11.2024 under section 174-A IPC (Section 209 of BNS, 2023) registered at Police Station Division No.3, District Police Commissionerate, Jalandhar (Annexure P-1) alongwith all consequential proceedings arising therefrom, are hereby quashed qua the petitioners.

11. All pending miscellaneous application(s), if any, stands disposed of.

20.05.2026
Anu

(MANDEEP PANNU)
JUDGE

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