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

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Date of Decision: 28.04.2026

HARI CHAND

....PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE H.S.GREWAL.

Present: Mr. Rose Gupta, Advocate for the petitioner.
Ms. Malvika Singh, DAG, Haryana.

H.S.GREWAL, J (ORAL)

1. This petition has been filed under Section 528 of BNSS for quashing of FIR No. 819 dated 03.07.2022 under Section 174-A of IPC, 1860 registered at Police Station Hisar Sadar, District Hisar in complaint No. NACT/2711/2018 and CRN No. HRHS030160492018 and subsequent proceedings thereof arising thereto.

2. Learned counsel for the petitioner contends that the present FIR is the outcome of a criminal complaint filed against the petitioner under Section 138 of the Negotiable Instruments Act. He further submits that the petitioner was declared a proclaimed person vide order dated 23.05.2022, in pursuance of which FIR No. 819 dated 03.07.2022 under Section 174-A IPC was registered. He further submits that respondent No. 2 had filed the complaint under Section 138 of the Negotiable Instruments Act, 1881,



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wherein the petitioner had appeared and was granted the concession of bail. However, during the course of the proceedings, the petitioner absented himself, resulting in his being declared a proclaimed person vide order dated 23.05.2022 passed by the trial Court. Subsequently, he joined the proceedings on 20.12.2022 and was granted the concession of regular bail vide order dated 20.12.2022 passed by the trial Court. He further submits that the matter has been compromised between the petitioner and respondent No.2. He further submits that the petition filed by respondent No.2 under Section 138 of Negotiable Instruments Act was dismissed as withdrawn vide order dated 17.07.2023. He, therefore, prays for quashing of the present FIR as the continuation of proceedings under Section 174-A IPC would be an abuse of process of law. He has relied upon the judgment passed by this Court in CRM-M-59270-2022, decided on 19.12.2022 wherein the FIR registered under Section 174-A IPC arising out of the same complaint between the parties has been quashed. In support of his submissions, he has relied upon the judgment of this Court in the case of **Soni Kumar versus State of Punjab**, bearing CRM-M-55315-2024, decided on 10.01.2025.

3. On the other hand, learned State counsel submits that the petitioner was rightly declared as proclaimed person, pursuant to which FIR was registered against him under Section 174-A IPC, as he had failed to appear before the Court without any reasonable cause.

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

5. By way of the instant petition, the petitioner is seeking



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quashing of the present FIR registered under Section 174-A IPC on the ground that the main matter has been settled, the petitioner has been acquitted and the continuation of proceedings under Section 174-A IPC would be an abuse of process of law.

6. A Coordinate Bench of this Court, in similar circumstances, in the case of **Soni Kumar versus State of Punjab(supra)** 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 an 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.”*

7. In the present case, since the main matter has been settled between the parties and the petitioner has been granted concession of regular bail, no useful purpose would be served by continuing the

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proceedings under Section 174-A IPC against the petitioner.

8. Resultantly, the petition is allowed and the impugned FIR No. 819 dated 03.07.2022 under Section 174-A registered at Police Station Hisar Sadar, District Hisar and all consequential proceedings arising therefrom against the petitioner are quashed.

28.04.2026*renu***(H.S.GREWAL)
JUDGE**

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