



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

**CRM-M-31853-2026
Date of decision: 29.05.2026**

POONAM

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Arun Sharma, Advocate for the petitioner.

Mr. Surender Singh Pannu, Addl. A.G., Haryana.

SUBHAS MEHLA, J. (ORAL)

1. Present petition has been filed by the petitioner under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short - 'the BNSS') for quashing FIR No.497 dated 09.09.2022 registered under Section 174-A of the Indian Penal Code, 1860 (for short - 'the IPC') at Police Station Sonipat City, District Sonipat and all the subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner contended that the petitioner was declared as proclaimed person vide order dated 02.09.2022 passed by learned Judicial Magistrate Ist Class, Sonipat in complaint case bearing COMA No.149 of 2018 filed under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the NI Act') on account of her non-appearance before the learned trial court and subsequently, present FIR was registered qua the petitioner.

3. Learned counsel for the petitioner further submitted that the complaint bearing COMA No.149 of 2018 before the trial court has been



dismissed as withdrawn on the basis of compromise, by Pre-National Lok Adalat vide order dated 09.09.2022 on the basis of statement made by the complainant in support of compromise. Learned counsel prayed that present FIR be quashed in the interest of justice, as the main proceedings, wherein due to non-appearance of the petitioner, the present FIR was registered, already stand concluded.

4. Notice of motion.

5. Mr. Surender Singh Pannu, Addl. A.G., Haryana, present in the Court, accepted notice on behalf of respondent-State and submitted that he has no objection if the present FIR be quashed by imposing some cost upon the petitioner.

6. Given the nature of this order, presence of respondent No.2 is not required for disposal of the present cases.

7. Heard.

8. A co-ordinate Bench of this Court in **CRM-M-43813-2018** titled as **“Baldev Chand Bansal vs. State of Haryana and another”**, decided on 29.01.2019 has held as under:-

“xxx xxx xxx

Learned counsel for the petitioner has relied upon the decisions rendered by this Court in “Vikas Sharma vs. Gurpreet Singh Kohli and another (supra), 2017, (3) L.A.R.584, Microqual Techno Limited and others Vs. State of Haryana and another, 2015 (32) RCR (Crl.) 790 and “Rajneesh Khanna Vs. State of Haryana and another” 2017(3) L.A.R. 555 wherein in an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore,



continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the process of law.

xxx xxx xxx

In view of the same, I find merit in the present petition and accordingly, present petition is allowed and the impugned order dated 24.10.2016 passed by Judicial Magistrate, 1st Class, Panchkula as well as FIR No.64 dated 15.02.2017 registered under Section 174-A of the Indian Penal Code at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof, are hereby quashed.”

9. A perusal of the above judgment would show that in a similar case where the FIR had been registered under Section 174-A of the IPC in view of the order passed in proceedings under Section 138 of the NI Act, while declaring the petitioner therein as a proclaimed person/offender, a co-ordinate Bench after relying upon various judgments observed that once the main petition under Section 138 of the NI Act stands withdrawn in view of an amicable settlement between the parties, the continuation of proceedings under Section 174-A of the IPC is nothing but an abuse of the process of law. The said aspect was one of the main considerations for allowing the petition and setting aside the order declaring the petitioner therein as a proclaimed person/offender as well as quashing of the FIR under Section 174-A of the IPC.

10. Another co-ordinate Bench of this Court in a case titled as **“Ashok Madan vs. State of Haryana and another”** reported as **2020(4) RCR (Criminal) 87** has also held as under:-

“No doubt, the learned counsel for the respondent has vehemently argued that the offence under Section 174A I.P.C. is independent of the main case, therefore, merely because



the main case has been dismissed for want of prosecution, the present petition cannot be allowed, however, keeping in view the fact that the present FIR was registered only on account of absence from the proceedings in the main case which had been subsequently regularised by the court while granting bail to the petitioner, the default stood condoned. In such circumstances, continuation of proceedings under Section 174A I.P.C. shall be abuse of the process of court.

7. Accordingly, the petition is allowed. FIR No.446 dated 21.08.2017, registered under Section 174A I.P.C. At Police Station Kotwali, District Faridabad, as well as consequential proceedings shall stand quashed.”

11. The inherent jurisdiction under Section 528 of the BNSS, 2023/Section 482 of the 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.

12. Keeping in view the fact that complaint before the trial court has been dismissed as withdrawn, continuation of the proceedings arising from the impugned order would be an abuse to the process of law. Hence, the present petition is allowed and the FIR bearing No.497 dated 09.09.2022, under Section 174-A of the IPC at Police Station Sonipat City, District Sonipat are hereby quashed qua the petitioner, subject to payment of cost of Rs.5,000/- to be deposited with Indian Red Cross Society having Account No.3578152035, IFSC CBIN0280412, Central Bank of India, Sector 17-B, Chandigarh.



13. Petitioner is directed to place on record the copy of receipt of cost on the file of present case within a period of one month i.e. up to 29.06.2026. It is made clear that if the petitioner fails to place on record the copy of receipt, this order shall be deemed to be dismissed.

May 29, 2026		(SUBHAS MEHLA)
<i>Manisha</i>		JUDGE
(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No