

242 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026 PHHC 007164



CRM-M-33743-2025 (O&M)
Date of Decision:19.01.2026

ASHISH YADAV

... PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

... RESPONDENTS

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

Present:- Ms. Komal Oberoi, Advocate and
Mr. Pankaj Maini, Advocate (through video conferencing)
for the petitioner.

Mr. Vijay Kumar, AAG Haryana.

H.S. GREWAL, J. (ORAL)

1. This petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) for setting aside the impugned order dated 07.10.2021 (Annexure P-7), vide which learned JMIC, Hisar, has declared the petitioner as proclaimed person in NACT No.2519 of 2018, as well as respondent No.2 has been directed to lodge FIR against the petitioner under Section 174-A IPC vide FIR No.361 dated 11.11.2021 at Police Station Urban Estate, Hisar (Annexure P-9) and consequential proceedings arising thereto, in view of the settlement of dispute between the parties.

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 proclaimed person vide order dated 07.10.2021. In

pursuance thereto, the present FIR was registered. He further contends that the matter was compromised between the parties and the complainant appeared before the learned JMIC, Hisar and made a statement to that effect and the complaint was withdrawn by the complainant on 26.03.2025. He has referred to the statement given by the complainant and the order of the trial Court dated 26.03.2025 (Annexure P-8) in this regard. He, therefore, prays for quashing of the present FIR as the continuation of proceedings would be an abuse of process of law. He has relied upon the judgment passed by this Court in ***CRM-M-41656 of 2023***, decided on 23.08.2023 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 further relied upon the judgment of Hon'ble the Supreme 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 and the judgments of this Court in the cases of ***Soni Kumar versus State of Punjab***, bearing CRM-M-55315-2024, decided on 10.01.2025 and ***Deepak versus State of Haryana and another***, bearing CRM-M-14623-2021, decided on 17.02.2022.

3. 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.

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 on the ground that the initial complaint bearing

No. NACT-2519 of 2018 has been withdrawn as the matter has been settled

between the parties and the continuation of proceedings under Section 174-A IPC would be an abuse of process of law.

7. Hon'ble the Supreme Court in the case of Daljit Singh versus State of Haryana and another (supra) 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 extract thereof 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 Crl. 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.”

8. The similar view has also been taken by the Coordinate Bench of this Court in the case of Soni Kumar versus State of Punjab (supra) and Deepak versus State of Haryana and another (supra).

9. In the present case, since the original complaint relating to the dishonoured cheque has been withdrawn as the matter has been settled

between the parties, no useful purpose would be served by continuing the proceedings under Section 174-A IPC against the petitioner.

10. Resultantly, the petition is disposed of and the impugned FIR No. 361 dated 11.11.2021 at Police Station Urban Estate, Hisar and all consequential proceedings arising therefrom against the petitioner are quashed. The order dated 07.10.2021 (Annexure P-7) declaring the petitioner a “proclaimed person” passed by the learned Judicial Magistrate Ist Class, Hisar is also quashed.

19.01.2026			(H.S.GREWAL)
Janki			JUDGE
	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No