



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

311

CRM-M No.57366 of 2023 (O & M)

Date of decision : 5.5.2026

Date of uploading : 6.5.2026

Jagdeep

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Mohit Kakkar, Advocate, for the petitioner

Mr. Deepak Grewal, DAG, Haryana

Mr. Manvender Chauhan, Advocate, for respondent no.2

SUMEET GOEL, J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.314 dated 11.07.2023, registered under Section 174-A IPC at Police Station Sirsa Sadar, District Sirsa, along with all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner has submitted that the impugned FIR has its genesis in proceedings arising out of Case No. CHI/226/2017 dated 28.03.2023 pertaining to FIR No.18 dated 28.01.2017 registered under Sections 279, 337 and 427 IPC at Police Station Sadar, Sirsa, wherein the petitioner was declared a proclaimed person, pursuant where to the present FIR came to be registered against him under Section 174-A IPC. Learned counsel has further contended that



the petitioner was employed in Maharashtra and was unable to remain in contact with his counsel, on account whereof the warrants of arrest issued against him remained unexecuted, which ultimately led to initiation of proclamation proceedings and declaration of the petitioner as a proclaimed person vide order dated 07.07.2023. It has been further submitted that the petitioner challenged the said order dated 07.07.2023 before this Court by filing CRM-M No.35897 of 2023, and this Court, vide order dated 04.09.2023, while granting interim protection to the petitioner, directed him to surrender before the learned trial Court subject to deposit of costs of ₹10,000/-. Learned counsel has submitted that the said costs have already been duly deposited. It has further been submitted that the petitioner was not aware of the registration of the impugned FIR and came to know about the same only when he appeared before the learned trial Court pursuant to the order passed by this Court. Learned counsel has argued that the registration of the impugned FIR amounts to a sheer abuse of the process of law and the process of the Court and is unsustainable in the eyes of law. Learned counsel has further submitted that the matter has since been amicably compromised between the parties and the foundational FIR No.18 dated 28.01.2017 already stands quashed on the basis of compromise vide order dated 05.05.2026 passed by this Court in CRM-M No.35614 of 2024. On the strength of the aforesaid submissions, learned counsel for the petitioner has prayed for allowing the present petition.

3. Conversely, learned State counsel has submitted that the



impugned order declaring the petitioner as a proclaimed person was passed solely on account of his non-appearance before the learned trial Court. He has opposed the present petition by contending that the petitioner had earlier been granted the concession of bail but subsequently misused the said concession by failing to appear before the learned trial Court, and no plausible explanation had been furnished at the relevant time for such absence. Learned State counsel, however, does not dispute the fact that the parties have amicably resolved their dispute and that CRM-M No.35614 of 2024 filed for quashing of the foundational FIR No.18 dated 28.01.2017 on the basis of compromise has already been allowed by this Court vide order dated 05.05.2026.

4. I have heard learned counsel for the rival parties and have perused the paper-book.

5. The seminal question that arises for consideration in the present petition is whether, in the facts and circumstances of the present case, the impugned FIR registered under Section 174-A IPC, along with all consequential proceedings arising therefrom, deserves to be quashed.

6. At this juncture; it would be apposite to refer herein to a judgment of the Hon'ble Supreme Court in ***Daljit Singh vs. State of Haryana and Another***, Criminal Appeal No.4359 of 2024 decided on 02.01.2025; has held that:

“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) 2022 SCC OnLine Del 1023; Divya Verma v. State 2023 SCC OnLine Del 2619; Sameena & Anr. v. State GNCT of Delhi & Anr. CrI. M.C. No.1470 of 2021, Dated 17th May, 2022** 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. xxxxxxxx”

7. However, in the peculiar facts and circumstances of the said case, the Hon’ble Supreme Court proceeded to set aside the order passed by the High Court. It was observed that since the underlying foundational dispute had been amicably resolved and the primary criminal proceedings themselves stood extinguished, no useful or legitimate purpose would be served by permitting continuation of the prosecution under Section 174-A IPC. Consequently, the Hon’ble Supreme Court quashed the FIR registered under Section 174-A IPC as well as the order declaring the



appellant therein as a proclaimed person.

8. It is for the High Court, while exercising its innate plenary powers under Section 528 of BNSS, 2023/428 of Cr.P.C., 1973, to ratiocinate that it should not apply the law in an austere, academic and exacting technical manner, without considering its practical implications. The Law is not merely a set of programmed, *nailed-to-the-ground* rules, to be applied without context. It must be enforced, while bearing in mind, that its purpose is to ensure substantive justice between the parties. The statutory provision of Section 174-A of IPC, when perused in the light of *ratio decidendi* of the judgment of the Hon'ble Supreme Court in ***Daljit Singh's*** case (*supra*), unequivocally shows that an FIR under Section 174-A of the IPC does not *proprio vigore* become liable to be quashed, in case the rival parties have entered into a compromise and foundational FIR No.18 dated 28.1.2017 has been quashed by this Court vide order of even date i.e. 5.5.2026 passed in CRM-M No.35614 of 2024 filed on the basis of compromise. However, at the same time, the factum of the criminal complaint/FIR (in furtherance of proceedings whereof) having been compromised/settled, is indubitably, a relevant factor to be considered while dealing with a plea for quashing of an FIR (as also proceedings emanating therefrom) under Section 174-A of IPC. Such litigation, especially in the backdrop of original offence having been compromised will have an adverse impact on the overburdened Court-dockets. Allowing such prosecution, when quashing petition on the basis of compromise already allowed, would tantamount to contravening the principles of



fairness, proportionality, and justice in criminal proceedings. A literal interpretation may sometimes lead to unjust outcomes that also contradict the law's underlined purpose. Therefore, the High Court under its inherent jurisdiction must balance the letter of Law with its spirit, ensuring fair and equitable results. This approach underscores Law's role as an apparatus for fostering societal harmony and addressing the real-world complexities, efficaciously as also effectively, rather than mere literal/technical compliance.

9. 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 matter has been compromised and the petition filed for quashing of FIR on the basis of compromise, allowed, 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-blood, its very essence, its 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 in fact been, invested with



power(s) to maintain its authority to prevent the process of law/Courts being obstructed or abused. It is a trite posits 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 fulfill 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 equitable to do so, in particular to ensure the observance of the due process of law, to prevent vexation or oppression, to do justice *may* 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 present case, particularly the fact that the foundational offence pertains to Sections 279, 337 and 427 IPC allegedly committed in the year 2017; the dispute arising therefrom having been amicably settled between the parties; and the said foundational FIR



already having been quashed on the basis of compromise by this Court vide order dated 05.05.2026 passed in CRM-M No.35614 of 2024, this Court is of the considered opinion that continuation of the impugned FIR under Section 174-A IPC and all consequential proceedings arising therefrom would serve no useful purpose. Accordingly, the impugned FIR as well as all proceedings emanating therefrom deserve to be quashed.

11. It is, hence, directed as under:
- (i) Instant petition is allowed;
 - (ii) The FIR No. 314 dated 11.7.2023 under Section 174-A of IPC, registered at Police Station Sirsa Sadar, District Sirsa, along with all consequential proceedings arising therefrom stands quashed;
 - (iii) All pending application(s), if any, stands disposed of.

(SUMEET GOEL)
JUDGE

5.5.2026
Ashwani

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