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

CRM-M-62255-2025

Date of Decision: 17.04.2026

Kamal Kishore

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Ashok Kaushik, Advocate,
for the petitioner.

Mr. Paras Talwar, Sr. DAG Haryana.

Vinod S. Bhardwaj, J. (ORAL)

Present petition has been filed under Section 528 of BNSS/482 Cr.P.C for quashing of FIR No.149 dated 02.03.2020 registered under Section 174-A IPC, at Police Station Ballabgarh City, Faridabad, along with subsequent proceedings arising therefrom including criminal case No.CHI-4142-2020 pending in the Court of Judicial Magistrate First Class, Faridabad.

2. Counsel for the petitioner contends that initially, the petitioner had been facing trial in a Complaint case No. NACT/3143/2014 filed under Section 138 of the Negotiable Instruments Act. He further contends that owing to absence of the petitioner before the trial Court, he was declared a proclaimed person vide order dated 16.12.2015 which resulted into registration of the present FIR under Section 174-A IPC. He further contends that after securing the concession of bail from the Court of



Additional Sessions Judge, Faridabad vide order dated 25.05.2020, the petitioner duly appeared before the trial Court and faced proceedings under Section 138 of the N.I. Act. It is also contended that the petitioner has been acquitted in the said complaint case vide judgment of acquittal dated 28.10.2024 passed by Judicial Magistrate First Class, Faridabad.

3. Counsel further contends that since the main case out of which the present FIR has emanated stands closed, no useful purpose would be served by keeping the present proceedings alive.

4. Learned State counsel submits that the FIR under Section 174-A IPC was rightly registered as the petitioner was declared proclaimed person by the trial Court for having absented, however, the factum of judgment dated 28.10.2024 acquitting the petitioner remains uncontroverted.

5. Heard learned counsel for the parties and perused the paper-book.

6. It is to be noticed that the petitioner was facing trial in a complaint case filed under Section 138 of the N.I. Act. During the pendency of proceedings, he absconded for some time but later on, joined the proceedings before the trial Court which resulted into his acquittal. This Court is of the opinion that the purpose of invocation of Section 174-A IPC was to secure the presence of the accused so that the trial proceedings might go smoothly. Having regard to the fact that the petitioner had joined the proceedings before the trial Court which stood culminated vide judgment of acquittal dated 28.10.2024, no useful purpose will be served by keeping the



present proceedings alive.

7. 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:-

“Prayer in this petition is for quashing of FIR No.64 dated 15.02.2017 filed under Section 174-A of the Indian Penal Code registered at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof as well as order dated 24.10.2016 passed by the trial Court vide which a direction was issued to register the aforesaid FIR.

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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.

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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.”



8. 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 pursuant to the order passed in proceedings under Section 138 of the Act of 1881, a Co-ordinate Bench after relying upon various judgments held that once the main petition under Section 138 of the Act of 1881 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.

9. 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 regularized 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.”*

10. A perusal of the aforesaid judgments would show that this Court have taken a consistent view and have quashed the proceedings

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arising as a result of order declaring as a proclaimed person and the consequent registration of the FIR under Section 174-A IPC not advancing any interest of the justice and to be a mere protraction of an agony of criminal trial upon an accused when the main dispute has already been resolved. The object behind declaration of a proclaimed person is to ensure the presence of an accused before a Court of law and for finalization of the proceedings initiated against such an accused. The said object stands fully satisfied because the accused has already been acquitted in the main complaint filed under Section 138 of N.I. Act.

11. In view of the above, FIR No.149 dated 02.03.2020 registered under Section 174-A IPC, at Police Station Ballabgarh City, Faridabad, along with subsequent proceedings arising therefrom, including criminal case No.CHI-4142-2020 pending in the Court of Judicial Magistrate First Class, Faridabad is hereby quashed subject to deposit of costs of Rs.10,000/- by the petitioner with the “Red Cross Old Age Home” A/c No.50100286016319, IFSCHDFC0004030, HDFC Bank, Sector-15, Panchkula.

(VINOD S. BHARDWAJ)
JUDGE

17.04.2026
SN

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No