



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.65792 of 2025 (O&M)
Date of Decision :20.01.2026

Ravinder

.....Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. Pardeep Panwar, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana.

SURYA PARTAP SINGH, J. (Oral):

This is a petition under Section 528 Bharatiya Nagrik Surakhsa Sanhita, 2023 whereby quashing of FIR No.344 dated 01.10.2022 under Section 174-A IPC, Police Station Faridabad Old, District Faridabad, has been sought.

2. It has been pleaded by the petitioner that a complaint for the commission of offence punishable under Section 138 of Negotiable Instruments Act, hereinafter being referred to as 'N.I. Act', with regard to dishnour of the cheque dated 04.06.2018 was filed against him in the Court of learned Judicial Magistrate Ist Class, Faridabad. According to petitioner he was not properly served in the abovesaid case ever. The petitioner has further alleged that since summons were never served upon him he never appeared before the learned trial Court, and the learned trial Court without looking into the facts that the petitioner was not properly served, declared



him a proclaimed offender, by virtue of order dated 17.09.2022, which led to filing of FIR in question. The petitioner has further pleaded that when he came to know about the above mentioned proceeding he surrendered before the Court and got the benefit of bail in the complaint case. According to petitioner, in the above mentioned complaint, on payment of requisite amount the dispute between the petitioner and the respondent No.2 has been duly settled. According to learned counsel for the petitioner, on the basis of above mentioned compromise the complaint filed by the respondent No.2 was withdrawn and the same has been dismissed by learned trial Court on 18.10.2024.

3. According to complainant, once the main case wherein he was summoned as an accused, and later on declared proclaimed offender, stands settled on the basis of compromise the present FIR under Section 174-A IPC deserves to be quashed.

4. Heard.

5. It has been contended by learned counsel for the petitioner that the main dispute between the petitioner and the respondent No.2 was with regard to dis-honour of cheque issued by the petitioner in favour of respondent no.2, and that the above mentioned prosecution under Section 138 of N.I. Act already stands decided as the complaint was withdrawn by the respondent No.2. According to learned counsel for the petitioner, once the main case stands settled between the parties the present FIR deserves to be quashed.

6. In support of his arguments, the learned counsel for the



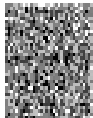
petitioner has referred to the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Daljit Singh Vs. State of Haryana and another, 2025(1) RCR (Criminal) 406'.

7. The learned State counsel has controverted the above mentioned arguments. It has been contended by learned State counsel that the FIR under Section 174-A IPC has nothing to do with the complaint under Section 138 of NI Act, as the FIR has been lodged in view of the fact that the petitioner was declared proclaimed offender. As per learned State counsel mere payment of money by the petitioner to the respondent No.2 cannot absolve him of the criminal liability with regard to dishonour of cheque. As per learned State counsel there is no merit in the present petition and the same deserves dismissed.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case there is no dispute qua the fact that there was a complaint filed by the respondent No.2 against the petitioner for the commission of offence under Section 138 of NI Act, and that in the above mentioned complaint case the petitioner was not properly served and when the petitioner came to know about the fact that he has been summoned he surrendered before the learned trial Court and got the benefit of bail. It is also an undisputed fact that the above mentioned complaint has already been dismissed by the learned trial Court, as the same has been withdrawn by the respondent No.2 on 18.10.2024.

10. In the backdrop of above mentioned facts the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Daljit Singh



(supra)’ are applicable. In the above mentioned case the Hon’ble Supreme Court while dealing with identical situation quashed the FIR under Section 174-A IPC.

11. Taking into consideration the fact that the present case is squarely covered by the principles of law laid down by the Hon’ble Supreme Court of India in the case of ‘Daljit Singh (Supra)’, I hold that in the given fact-situation once the main case stands dismissed as withdrawn, the FIR under Section 174-A amounts to abuse of process of law and deserves to be quashed. The same is hereby quashed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

20.01.2026
Manoj Bhutani

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