



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

(144)

CRM-M-70365-2025

DATE OF DECISION: 15.01.2026

Hitesh Dang

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Sunny Tyagi, Advocate, (through VC)
for the petitioner.

Mr. Karan Veer Singh, Sr.DAG, Haryana.

SUBHAS MEHLA, J (ORAL)

1. Present petition has been filed by the petitioner under Section 528 of BNSS for quashing of FIR No.202 dated 04.05.2019, under Section 174-A IPC, registered at Police Station Sector 58, Faridabad along with impugned order dated 12.04.2019 in case No. NACT-2048-2018 titled Arfin v. Hitesh Dang and all subsequent proceedings therefrom.

2. Learned counsel for the petitioner contended that the petitioner was declared as proclaimed person and subsequent FIR was registered on account of non-appearance of the petitioner before the learned trial Court, which was not intentional. Further, compromise has been effected between the parties and the petitioner has paid the entire amount to the complainant. Moreover, complaint before the trial Court has been dismissed as withdrawn vide order dated 02.11.2019 (Annexure P-3). Learned counsel requested that impugned order, vide which, the petitioner was declared as proclaimed person as well as the subsequent FIR be quashed, in the interest of justice.

3. Notice of motion.



4. Mr. Karan Veer Singh, Sr.DAG, Haryana, appears and accepted notice on behalf of respondent/State and stated that he has no objection if the impugned order as well as FIR be quashed on the basis of compromise having been arrived at between the parties by imposing some cost upon the petitioner.

5. Heard.

6. 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.”

7. A perusal of the above judgment would show that in a similar case where the FIR had been registered under Section 174-A IPC in view of the order passed in proceedings under Section 138 of the Act, while declaring the petitioner therein as a proclaimed person, a co-ordinate Bench after relying upon various judgments observed that once the main petition under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, the continuation of proceedings under Section 174-A 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 as well as quashing of the FIR under Section 174-A IPC.

8. 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.”*



9. More recently, the Hon'ble Supreme Court in a judgment titled as **Daljit Singh v. 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.

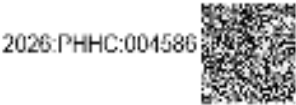
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However, the Hon'ble Supreme Court quashed the impugned FIR (therein) under Section 174-A of the IPC since, inter alia, the original offence in the form of criminal complaint under Section 138 of NI Act, 1881 in the said case had been settled and withdrawn by both the parties.

10. 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 dispute is entirely 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.

11. 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, present petition is allowed and the order dated 12.04.2019 in case No.

NACT-2048-2018 titled Arfin v. Hitesh Dang and consequential proceedings



arising therefrom including FIR bearing No.202 dated 04.05.2019, under Section 174-A IPC, registered at Police Station Sector 58, Faridabad (Annexure P-2) are hereby quashed subject to payment of cost of Rs.5,000/- to be deposited with Indian Red Cross Society having account No.3578152035, Central Bank of India, Sector 17-B, Chandigarh, IFSC CBIN0280412.

12. Petitioner is directed to place on record the copy of receipt of cost on the file within a period of one month. It is made clear that if the petitioner fails to place on record the copy of receipt, this petition shall be deemed to be dismissed.

13. Pending application(s), if any, shall also stand disposed off.

15.01.2026
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(SUBHAS MEHLA)
JUDGE

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