

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.72809 of 2025 (O&M)
Date of Decision :19.01.2026

Salimbhai Chhotu Bhai Jivani and others

.....Petitioners

Versus

State of Hayrana and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

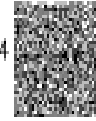
Present : Mr. Nitesh Shrivastav, Advocate for the petitioners.
(through hybrid mode).

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.1051 dated 13.12.2021 under Section 174-A IPC, Police Station Shivaji Nagar, Gurugram, has been sought.

2. The petitioners plead that a complaint under Section-25 of the Payment and Settlement Systems Act, hereinafter referred to as 'the Act' was filed against them in the Court of the learned Judicial Magistrate 1st Class, Gurugram. That complaint arose due to dishonour of an ECS (Electronic Clearing Service) transfer, per intimation sequence No. 3594542941 dated 12.06.2017, for a sum of Rs. 33,386/-. According to learned counsel for the petitioners, after receiving the legal notice, the petitioners sought an extension of time as they were unable to pay the outstanding dues. In the interregnum, the instant complaint was filed. As per learned counsel for the



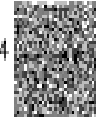
petitioners when they came to know about the pendency of litigation, the petitioners approached the respondent No. 2 and settled the dues, based on an assurance that the complaint would be withdrawn and their appearance before the Court would not be required. However, the respondent No. 2 failed to withdraw the complaint. Consequently, by virtue of order dated 03.12.2021 the petitioners were declared **proclaimed offenders**, which led to the registration of the FIR in question. The learned counsel for the petitioners further submits that the instant complaint was eventually withdrawn by the respondent vide order dated 14.09.2024.

3. According to complainant, once the main case wherein they were summoned as an accused, and later on declared proclaimed offenders, 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 petitioners that the main dispute between the petitioners and respondent No.2 was with regard to dishonour of ECS issued by the petitioners in favour of respondent No.2, and that the above mentioned prosecution under Section 25 of the Act already stands concluded as the complaint had been withdrawn by the respondent No.2. According to learned counsel for the petitioners, once the main case stands settled between the parties the present FIR deserves to be quashed.

6. In support of their arguments, the learned counsel for the petitioners has referred to the principles of law laid down by the Hon'ble



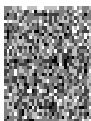
Supreme Court of India in the case of 'Daljit Singh Vs. State of Haryana and another, 2025(1) RCR (Criminal) 406'.

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 25 of the Act, as the FIR has been lodged in view of the fact that the petitioners were declared proclaimed offenders. As per learned State counsel mere payment of money by the petitioners to the respondent No.2 cannot absolve them of the criminal liability with regard to commission of offence under Section 174-A IPC. 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 petitioners, for the commission of offence under Section 25 of the Act, and that in the above mentioned complaint case the petitioners had never appeared before the trial Court and therefore, they never sought the benefit of bail from the trial Court. 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 14.09.2024.

10. In the backdrop of above mentioned facts it is apparent that the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Daljit Singh (supra)' are applicable to the instant case. 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

19.01.2026
Manoj Bhutani

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