



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

133

CRM-M No.72832 of 2025 (O&M)
Date of Decision :23.01.2026

Saurabh Sharma @ Sourabh Sharma

.....Petitioner

Versus

The State of Haryana and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. Sumit Nandvani, Advocate for the petitioner.
(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.175 dated 03.06.2025 under Section 209 of BNS (Section 174-A IPC), Police Station Bawal, District Rewari, 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 was filed against him in the Court of learned Sub Divisional Judicial Magistrate, Bawal, Rewari. It has been further submitted that due to business exigencies, he could not keep track of the proceedings and due to absence he was declared a proclaimed offender vide order dated 31.05.2025. As per petitioner, the abovesaid order led to registration of the FIR in question. It is further submitted that his non-appearance was neither



intentional nor willful, and that the learned trial Court declared him a proclaimed offender without looking into the facts related to the present complaint. It has been urged that when he came to know about the proceedings, he surrendered before the Court and was granted bail in the complaint case on 04.06.2025 and in FIR No.175/2025 on 03.06.2025. Subsequently, the dispute between the petitioner and respondent No. 2 was settled on payment of the requisite amount. According to learned counsel for the petitioner, the complaint filed by the respondent No. 2 has already been disposed of by the learned Trial Court on the basis of abovesaid compromise, vide award dated 12.08.2025.

3. According to learned counsel for the petitioner, 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 209 BNS (174-A IPC) is rendered nothing but an abuse of process of law, and therefore, 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 the respondent no.2, and that the above mentioned prosecution under Section 138 of N.I. Act already stands decided by the learned trial Court vide award dated 12.08.2025. According to learned counsel for the petitioner, once the main case stands settled between the parties the present FIR is not sustainable.

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



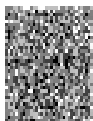
petitioner has referred to the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Daljit Singh Vs. State of Haryana and another, 2025(1) RCR (Criminal) 406'.

7. The learned State counsel has controverted the above mentioned arguments. It has been contended by learned State counsel that the FIR under Section 209 BNS (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 dismissal.

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 declared proclaimed offender and when the petitioner came to know about the fact he surrendered before the learned trial Court and got the benefit of bail in the case. It is also an undisputed fact that the above mentioned complaint has already been disposed of vide award dated 12.08.2025 by the learned trial Court.

10. The above-mentioned facts and circumstances of the case reveals that the principles of law laid down by the Hon'ble Supreme Court of



India in the case of ‘Daljit Singh (supra)’ squarely covers the factual matrix of this case. In the above mentioned case the Hon’ble Supreme Court while dealing with identical situation quashed the FIR under Section 174-A IPC (Section 209 BNS).

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 decided, the FIR under Section 209 BNS (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

23.01.2026
Manoj Bhutani

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