



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

127

CRM-M-72755-2025
Date of Decision: 13.01.2026

SONU

... Petitioner

VERSUS**STATE OF HARYANA AND ANOTHER**

... Respondents

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.********

Present: Mr. Kushager Goyal, Advocate
for the petitioner.

Mr. Tapan Masta, Addl. A.G. Haryana
for respondent No.1.

**********H.S. GREWAL, J. (ORAL)**

This petition has been filed under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking quashing of order dated 01.04.2025 (Annexure P-2) passed by the trial Court in a complaint bearing No.NACT-1004 of 2002 titled as “Ajay Kumar Versus Sonu” under Section 138 of Negotiable Instruments Act, 1881 whereby the petitioner has been declared as ‘proclaimed person’ alongwith all subsequent proceedings arising therefrom on the ground that the main complaint already stands dismissed as withdrawn having been compromised between the parties.

2. Learned counsel for the petitioner contends that since the entire cheque amount has already been paid by the petitioner to respondent No.2-complainant, therefore the matter has already been settled amicably between them. The counsel representing the respondent No.2-complainant before the trial Court

has made a specific statement before the trial Court on 04.11.2025 (Annexure P-4), wherein he has submitted that the complainant has received the entire cheque amount alongwith compensation from the accused (petitioner herein) and has prayed for withdrawal of the complaint. Consequently, the main complaint before the trial Court stood dismissed as withdrawn vide order dated 04.11.2025 (Annexure P-5). He further submits that since the main complaint has already been withdrawn by the respondent No.2-complainant, the impugned order dated 01.04.2025 (Annexure P-2) stands nowhere and is liable to be quashed.

3. Notice of motion.

4. Learned State Counsel accepts notice on behalf of respondent No.1 and files reply by way of an affidavit of Adarshdeep Singh, HPS, Deputy Superintendent of Police, Sirsa, wherein it has been specifically mentioned that pursuant to the impugned order dated 01.04.2025 (Annexure P-2) an FIR No.849 dated 22.12.2025 under Section 209 BNS (erstwhile Section 174-A of IPC) has already been registered against the petitioner at Police Station Civil Lines, Sirsa.

5. Owing to the aforesaid development, learned counsel for the petitioner contends that he has sought quashing of the impugned order dated 01.04.2025 alongwith all subsequent proceedings. Hence, the FIR in question, being a subsequent proceeding/action, is also liable to be quashed. He prayed accordingly.

6. Keeping in view the order which this Court proposes to pass herein, service of notice upon respondent No.2-complainant is hereby dispensed with.

7. Learned counsel for the petitioner submits that the petitioner has approached this Court by way of filing instant petition seeking quashing of order dated 01.04.2025 (Annexure P-2) alongwith all subsequent proceedings (including FIR No.849 dated 22.12.2025 supra) on the ground that a compromise has been arrived at between the parties, pursuant whereto, the main complaint has been withdrawn by the complainant (respondent No.2 herein) before the trial Court. He further submits that the continuation of proceedings under Section 174-A IPC would be an abuse of process of law. He has relied upon the judgment passed by this Court in CRM-M-41656 of 2023, decided on 23.08.2023 wherein the FIR registered under Section 174-A IPC arising out of the main FIR/complaint between the parties has been quashed. In support of his submissions, he has further relied upon the judgment of Hon'ble the Supreme Court in the case of ***Daljit Singh versus State of Haryana and another***, bearing ***Criminal Appeal No.4359 of 2024***, decided on 02.01.2025 and the judgments of this Court in the cases of ***Soni Kumar versus State of Punjab***, bearing ***CRM-M-55315-2024***, decided on 10.01.2025 and ***Deepak versus State of Haryana and another***, bearing ***CRM-M-14623-2021***, decided on 17.02.2022.

8. On the other hand, learned State counsel submits that the petitioner was rightly declared as proclaimed person, pursuant to which FIR in question was registered against him under Section 209 BNS (erstwhile Section 174-A IPC) as he had failed to appear before the Court without any reasonable cause.

9. I have heard learned counsel for the parties and have carefully gone through the material available on record.

10. By way of the instant petition, the petitioner is seeking quashing of the impugned order dated 01.04.2025 (Annexure P-2) as well as FIR No.849 date 22.12.2025 (*supra*) on the ground that the initial complaint has been withdrawn before the trial Court as the matter has been settled between the parties and the continuation of proceedings under Section 209 BNS would be an abuse of process of law.

11. A Coordinate Bench of this Court in the case of ***Soni Kumar versus State of Punjab (supra)*** has quashed the FIR under Section 174-A IPC stating that where the main complaint has been withdrawn, the continuation of proceedings would be an abuse of process of law. The relevant extract thereof is as under: -

“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 essentially 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. The inherent powers of a High Court are powers which are incidental replete powers, which if did not so exist, the Court would be obliged to sit still and helplessly see the process of law and Courts being abused for the purposes of injustice. In other words, such power(s) is intrinsic to a High Court, it is its very life immanent attribute. Without such power(s), a High Court would have form but lack the substance. These powers of a High Court hence deserve to be construed with the widest possible amplitude. These inherent powers are in consonance with the nature of a High Court which ought to be, and has infact been, invested with power(s) to maintain its authority to prevent the process of law/Courts being obstructed or abused. It is a trite posit of jurisprudence that though laws attempt to deal with all

cases that may arise, the infinite variety of circumstances which shape events and the imperfections of language make it impossible to lay down provisions capable of governing every case, which in fact arises. A High Court which exists for the furtherance of justice in an indefatigable manner, should therefore, have unfettered power(s) to deal with situations which, though not expressly provided for by the law, need to be dealt with, to prevent injustice or the abuse of the process of law and Courts. The juridical basis of these plenary power(s) is the authority; infact the seminal duty and responsibility of a High Court; to uphold, to protect and to fulfil the judicial function of administering justice, in accordance with law, in a regular, orderly and effective manner. In other words, Section 528 of BNSS, 2023 reflects peerless powers, which a High Court may draw upon as necessary whenever it is just an due process of law, to prevent vexation or oppression, to do justice substantial justice between the parties and to secure the ends of justice.

10. *Keeping in view the entirety of the attending facts and circumstances of the case in hand; especially the original offence being an offence under Section 138 of Negotiable Instruments Act of 1881, the original offence alleged to have been committed in the year 2021, the subject matter of the original offence having been settled amicably between the parties and the criminal complaint under Section 138 of Negotiable Instruments Act, 1881 having been withdrawn on the basis of such settlement/compromise; this Court deems it appropriate that the FIR as also all proceedings emanating therefrom deserve to be quashed.”*

12. Another Coordinate Bench of this Court in the case of **Deepak versus State of Haryana and another (supra)**, has also held as under: -

“An affidavit was also filed by respondent No.2, which has been annexed as Annexure R-1, wherein in para 4 of the same, it has been stated that respondent No.2-Bank has no objection, in case, the

present FIR is quashed against the petitioner because the Bank has received the cheque amount and consequently, the complaint has been withdrawn. Since, the proceedings under Section 138 of the Act of 1881 has been withdrawn and the present FIR has been registered on account of non-appearance of the petitioner, this Court feels that continuance of the proceedings in the present FIR would be an abuse of process of the Court.

Keeping in view the abovesaid facts and circumstances, as well as the authorities of law referred to above, the present petition is allowed and FIR No.969 dated 04.11.2018 registered under Section 174-A of IPC at Police Station Ballabgarh City, District Faridabad (Annexure P-3) and all the consequential proceedings arising therefrom, are ordered to be quashed qua the petitioner.”

13. In the present case, since the original complaint under Section 138 of Negotiable Instruments Act, 1881 has already been withdrawn before the trial Court as the matter has been settled between the parties, no useful purpose would be served by continuing the proceedings under Section 209 BNS against the petitioner.

14. Resultantly, the petition is allowed and the impugned order dated 01.04.2025 (Annexure P-2) declaring the petitioner as ‘proclaimed person’ as well as subsequent FIR No.849 dated 22.12.2025 under Section 209 BNS (erstwhile Section 174-A IPC) registered at Police Station Civil Lines, Sirsa, District Sirsa alongwith all consequential proceedings arising therefrom against the petitioner are hereby quashed.

JANUARY 13, 2026.

Rajender

**(H.S. GREWAL)
JUDGE**

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