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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 8091/2025**

MR SAMARTH KHANNA

.....Petitioner

Through: Mr. Ekansh Mishra, Mr. Sanat
Singh, Advocates.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Manjeet Arya, APP.
SI Shiwangi.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **24.02.2026**

1. The matter was originally scheduled to be listed on 21.02.2026; however, in view of the Elections of the Bar Council of Delhi on 21.02.2026, and pursuant to Notification No. 62/G-4/Genl.-I/DHC dated 20.02.2026, it has been listed today.

2. By way of the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], the petitioner seeks the quashing of FIR No. 68/2025 dated 08.06.2025, registered at Police Station Barakhamba Road under Section 174A of the Indian Penal Code, 1860 ["IPC"]. The FIR in question arises from the petitioner's alleged failure to appear in separate proceedings instituted against him by respondent No. 2 under Section 138 of the Negotiable Instruments Act, 1881 ["NI Act"].

3. Mr. Ekansh Mishra, learned counsel for the petitioner, submits that the proceedings under Section 138 of the NI Act have since been



compromised, and that the petitioner has been acquitted by an order of the learned Judicial Magistrate First Class (NI Act) – 04, Patiala House Courts, dated 10.02.2026. A copy of the said order has been handed up in Court and is taken on record.

4. Respondent No. 2 is present in person and confirms the settlement, stating that no further amount is due to him and that he has no objection to the quashing of the present FIR.

5. In the present case, Mr. Mishra submits that the petitioner had, in fact, shifted his residence to Canada prior to the filing of the complaint and had no knowledge of the institution of the proceedings, as the process was never served upon him.

6. Mr. Mishra has drawn my attention to an order passed by a Coordinate Bench of this Court in *Amit Chauhan v. The State of NCT of Delhi & Anr.*¹, which arose under substantially similar circumstances. In that case, the underlying proceedings under Section 138 of the NI Act had been settled between the complainant and the accused during the pendency of the proceedings, yet a FIR under Section 174A IPC had been registered against the accused. Relying on the judgments of the Supreme Court in *Narender Singh & Ors. v. State of Punjab & Anr.*² and *Parbatbhai Aahir & Ors. v. State of Gujarat & Anr.*³, the Coordinate Bench in *Amit Chauhan* observed as follows:

“9. Even though the offence under Section 174A of the IPC is a separate offence and is not dependent on the outcome of the proceedings in which the non-appearance led to filing of the complaint, however, considering that the 138 NI Act Complaint has

¹ CRL.M.C. 5978/2025, dated 11.11.2025 [hereinafter, “*Amit Chauhan*”]

² (2014) 6 SCC 466.

³ (2017) 9 SCC 641.



already been compounded in the present case, in the opinion of this Court, no purpose would be served by continuing the present proceedings.

10. Keeping in view the nature of the dispute and the fact that the parties have amicably entered into a settlement, this Court feels that continuance of the proceedings would amount to abuse of the process of Court. I am of the opinion that this is a fit case to exercise discretionary jurisdiction under Section 528 of the BNSS.

11. However, since the chargesheet has been filed and the State machinery has been put to motion due to the act of the petitioner of non-appearing before the Court for which no possible explanation has been provided, ends of justice would be served if the petitioner is put to cost.

12. In view of the above, FIR No. 153/2024 and all consequential proceedings arising therefrom are quashed, subject to payment of cost of ₹20,000/- by the petitioner, to be deposited with the Delhi Police Welfare Society, within a period of six weeks.”

7. Ms. Manjeet Arya, learned Additional Public Prosecutor for the State, however, submits that Section 174A of the IPC constitutes an independent offence with implications for the administration of justice. She further submits that, if the Court is inclined to quash the proceedings, it may be appropriate to impose substantial costs upon the petitioner.

8. In view of the above judgment, I am of the view that there is no impediment to the grant of the relief sought in this petition. As in *Amit Chauhan*, the underlying proceedings have already been settled, and little purpose would be served by continuing the proceedings under Section 174A of the IPC.

9. However, I accept Ms. Arya’s submission that, having regard to the public resources expended during the pendency of the litigation, the petitioner ought to be directed to bear costs.

10. Accordingly, FIR No. 68/2025 dated 08.06.2025, registered at Police Station Barakhamba Road under Section 174A IPC, alongwith the



proceedings emanating therefrom, is hereby quashed, subject to the petitioner depositing costs of Rs. 25,000/- with the Delhi High Court Bar Association Costs Account [A/C No. 15530110179338; IFSC No. UCBA0001553; UCO Bank, Delhi High Court Branch]. The aforesaid deposit shall be made within two weeks from today, and proof of compliance shall be filed in the Registry within one week thereafter.

11. The petition stands disposed of in the above terms.

PRATEEK JALAN, J

FEBRUARY 24, 2026

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