



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

**CRM-M-27857-2025
Date of decision: 20.05.2025**

VIKASH

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Divyam Singh, Advocate and
 Mr. Tanmay Kadian, Advocate
 for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR bearing No.0619 dated 14.12.2024 registered under Section 209 Bharatiya Nyaya Sanhita, 2023 (*Erstwhile 174-A IPC*) at Police Station Panipat City, District Panipat (Annexure P-3) and all consequential proceedings emanating from complaint bearing NACT No.1376 of 2022 dated 20.07.2022 registered under Section 138 of Negotiable Instruments Act, 1881.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was declared as proclaimed person and subsequent FIR (*supra*) was registered on account of non-appearance of the petitioner before the learned trial Court, which was not deliberate. It is further submitted that a settlement has been arrived at between the petitioner and the complainant, whereby, the petitioner has paid the entire cheque amount to the complainant. Pursuant thereto, the complainant has withdrawn the case pending before the learned trial Court. Further, the drill of the mandatory provision of Section 195 Cr.P.C. has not been followed in the present case, which is pre-requisite for filing of



an FIR under Section 209 BNS, 2023. To support his contentions, learned counsel relies upon the judgments passed by this Court in ***CRM-M No.22738 of 2025*** titled as ***Jaspreet Singh vs. State of Punjab*** decided on 30.04.2025; ***CRM-M No.42676 of 2014*** titled as ***Microqual Techno Limited and others vs. State of Haryana and another*** decided on 14.09.2015; ***CRM-M No.59788 of 2022*** titled as ***Satvir Singh @ Satveer Singh and another vs. State of Punjab*** decided on 21.12.2022; ***CRM-M No.21433 of 2025*** titled as ***Smt. Nalima Warraich vs. State of Punjab and another*** decided on 24.04.2025.

3. Notice of motion.

4. Ms. Geeta Sharma, DAG, Haryana, who is present in the Court, accepts notice on behalf of respondent-State and supports the order passed by the learned trial Court by contending that the petitioner did not put in appearance before the trial Court intentionally and deliberately and, therefore, having left with no other option, proclamation was issued to secure his presence. However, she could not controvert the fact that the drill of Section 195 Cr.P.C. was not followed before registering FIR (*supra*) and the fact that compromise has been effected between the parties.

5. Having heard learned counsel for the parties and after perusing the record, it appears that the matter pertaining to complaint under Section 138 of NI Act already stands settled by the parties as the petitioner has paid the amount agreed upon to the complainant. As such, no useful purpose will be served if proceedings under FIR (*supra*) are allowed to continue. Reliance in this regard has been placed upon the judgments rendered in, ***Baldev Chand Bansal vs. State of Haryana and another*** CRM-M 43813-2018 decided on 29.01.2019, ***Vikas Sharma vs. Gurpreet Singh Kohli and another*** 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.

6. A Co-ordinate Bench of this Court in ***Vikas Gupta vs. State of Haryana and others*** CRM-M-19636-2018 decided on 01.08.2018, while quashing the FIR under Section 174-A of the IPC, speaking through Justice Rajbir Sehrawat, has made the following observations:

“The ultimate aim, objective and goal of a legal system is to reconcile the social conflicts. Law is required only to ensure that people do not have to fight with each other just to protect their right to property, right to life and liberty and other rights secured to them by the legal system. The civil disputes are the conflicts between two parties, having lesser overtones for the social order, social harmony or the society as such. Hence absolute freedom is given to the parties to settle their disputes by compromises, of course, coming with certain legal consequences as well. However, the criminal disputes do not necessarily restrict themselves to only two parties to the dispute in terms of their scope, consequences and effect. The criminal acts tend to cast their effect and consequences even upon the society at large. Therefore, the law prescribes punishment, severe punishments and the extreme punishments, including death penalty for criminal acts.”

7. Moreover, the drill of Section 195 Cr.P.C. has not been followed in the present case. A co-ordinate bench of this Court in ***Pardeep Kumar vs. State of Punjab and another*** CRM-M No.41656 of 2023 decided on 23.08.2023, speaking through Justice Arun Monga made the following observations:

"Invoking criminal liability for the offence under section 174A of IPC:



xxx xxx xxx

xvii. Once the Court decides to proceed against the petitioner for an offence under Section 174A of the IPC, it is imperative to institute a formal written complaint in the competent jurisdictional court. This imperative arises from the prevailing provision of section 195 of the Code of Criminal Procedure, 1973 which mandates that no Court shall take cognizance of any offence punishable under Sections 172 to 188 (both inclusive) of the Indian Penal Code except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate."

8. In view of the facts and circumstances of the present case, this Court is of the considered opinion that once the substantive offence has been settled through compromise between the petitioner and the complainant, the FIR (*supra*) would serve no beneficial purpose to the cause of justice.

9. Accordingly, the present petition is allowed and FIR bearing No.0619 dated 14.12.2024 registered under Section 209 Bharatiya Nyaya Sanhita, 2023 (*Erstwhile 174-A IPC*) at Police Station Panipat City, District Panipat (Annexure P-3) along with all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

May 20, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |