



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

129

CRM-M-24611-2025
Date of decision: 07.05.2025

Jasbir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Tarun Kumar Sharma, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.101 dated 29.09.2021 under Section 174-A of the IPC, 1860, registered at Police Station Cantt. Ferozepur, District Ferozepur, along with all consequential proceedings arising therefrom, in view of the complaint in question having been dismissed as withdrawn vide order dated 01.04.2025 (Annexure P-3).

2. Learned counsel for the petitioner has submitted that the petitioner has been declared a proclaimed person in Criminal Complaint bearing No.NACT-571-17 titled as 'Brij Mohan Vs. Jasbir Singh' instituted under Section 138 of the NI Act, vide order dated 18.03.2020 by learned Judicial Magistrate 1st Class, Ferozepur, whereas the petitioner was never served either with the summons or warrants issued by the Trial Court in the complaint instituted under Section 138 of the NI Act. Learned counsel, therefore, submits that absence of the



CRM-M-24611-2025

petitioner was thus, not intentional as he was unaware about the pendency of the complaint instituted against him under Section 138 of the NI Act and still further, even the proclamation was never served upon him as per the provisions of Section 82 Cr.P.C. Learned counsel has vehemently contended that as soon as the petitioner learnt about the pendency of the complaint in question, he immediately made the payment of the cheque amount to the complainant and compromised the matter with him. Resultantly, the complaint instituted under Section 138 of the NI Act by the complainant, was withdrawn by him on 01.04.2025. In support, he has drawn the attention of this Court to Annexure P-3 wherein the said fact stands reflected. A prayer therefore, has been made that in the aforementioned facts and circumstances, no purpose would be served by prosecuting the petitioner under Section 174-A IPC.

3. Notice of motion.

4. On asking of the Court, Mr. H.S. Deol, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1-State.

5. Learned State counsel has opposed the prayer made by the counsel opposite and contended that it was evident that the petitioner had intentionally not appeared during the proceedings before the Court below and hence, the prayer of the petitioner deserved to be declined.

6. Heard learned counsel for the parties and perused the relevant material on record.

7. The petitioner was declared a proclaimed person vide order dated 18.03.2020 in a complaint case under Section 138 of the NI



CRM-M-24611-2025

Act. Admittedly, the said complaint was withdrawn after the parties arrived at a compromise. Furthermore, the petitioner is neither involved in any other criminal case nor was he declared a proclaimed person any time prior thereto. Hence, the continuation of criminal proceedings under Section 174-A IPC would serve no useful purpose.

9. Accordingly, the present petition is allowed and FIR in question registered under Section 174-A IPC and all consequential proceedings arising therefrom are quashed.

07.05.2025

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(MANJARI NEHRU KAUL)
JUDGE

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