



CRM-M-20106-2025

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**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

308

CRM-M-20106-2025

Date of decision: 4<sup>th</sup> September, 2025

Jaspal Singh

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

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

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

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**MANISHA BATRA, J (ORAL):-**

The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking quashing of FIR No. 84 dated 20.01.2023 registered under Section 174-A of IPC at Police Station Civil Line, Sirsa, District Sirsa.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that a complaint bearing NACT No. 911 of 2021 titled as '*Vishal Miglani vs. Jaspal Singh*' was filed under Section 138 of Negotiable Instruments Act, 1881 (for short, '*NI Act*') against the petitioner. The petitioner was declared a proclaimed person in the said petition vide order dated 26.09.2024. Directions were issued by the Jurisdictional Magistrate to SHO concerned to register an FIR and accordingly the above mentioned FIR was registered.



3. The petitioner is now seeking quashing of the FIR by submitting that he has made entire payment of the amount of the cheque in question to the complainant. The complainant made a statement in writing before the trial Court in the aforementioned complaint and had withdrawn the same. It is submitted that while passing the order qua declaring him as a proclaimed person, the Court concerned neither followed the provisions of Section 82 nor any complaint in compliance of provisions of Section 195 of the Code of Criminal Procedure which are mandatory in nature, had been filed. It is, therefore, urged that the FIR is liable to be quashed. Learned counsel for the petitioner while relying upon the decision rendered by Hon'ble Supreme Court in *Daljit Singh Vs. State of Haryana and another, 2025 INSC 21* and decisions rendered by this Court in *Sanjiv Kumar Vs. State of Haryana, Ashok Madan vs. State of Haryana, Baldev Chand Bansal Vs. State of Haryana, Vikas Sharma vs. Gurpreet Singh Kohli and another (supra), 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.

4. Status report has been filed by the respondent-State. It is argued by learned State counsel that the petitioner had been declared a proclaimed person in the complaint after following due process. However, the fact that the complaint filed against the petitioner stands withdrawn by the complainant has not been controverted by him.

6. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.



7. It is not in dispute that the complaint filed under Section 138 of NI Act has since been withdrawn as the dispute between the petitioner and the complainant therein stood dissolved. The question for consideration before this Court is that as to whether the proceedings of the above mentioned FIR should be continued in view of the above fact or not. The petitioner has been booked for commission of offence punishable under Section 174-A of Indian Penal Code which is governed by Section 195 of the Code of Criminal Procedure. As per this provision, cognizance of any offence punishable under Sections 172 to 188 of IPC cannot be taken by a Court unless there is a written complaint by the public servant concerned directly. The provisions of this Section are mandatory in nature. Section 174-A was introduced through the amendment Act of 2005. However, no corresponding amendment was made to Section 195 of the Code at that time thereby assuming that the provisions of Section 195(1)(a) (i) was left unchanged and this provision applied to offence under Section 174-A of IPC as well.

8. Section 195(1)(a)(i) of the Code clearly specifies that no Court shall take cognizance of an offence punishable under Sections 172 to 188 of IPC unless a written complaint is made by the concerned public servant or another public servant to whom he is administratively subordinate. In the instant case, no complaint in compliance of Section 195 of Cr.P.C. had been filed by the concerned Magistrate who was infact the complainant before the Court concerned rather the FIR was lodged on the basis of order passed by the Magistrate. As such, it is clear that mandate of Section 195 of the Code of Criminal Procedure had not been complied with.

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As a consequence of which, the order passed by the Magistrate directing initiation of proceedings under Section 174-A of IPC and the consequent registration of FIR thereunder is obviously contrary to the mandate and procedure enshrined in Section 195 of the Code. In such circumstances, this Court is of the considered opinion that continuation of proceedings under Section 174-A of IPC would be an abuse of process of law. Reliance in this regard is placed upon the citations as referred to above. In view of the facts and circumstances enumerated above, the petition is allowed and the FIR No. 84 dated 20.01.2023 registered under Section 174-A of IPC at Police Station Civil Line, Sirsa, District Sirsa and all the consequential proceedings have emanated therefrom are ordered to be quashed.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

**[MANISHA BATRA]**  
**JUDGE**

**4<sup>th</sup> September, 2025**

*Parveen Sharma*

1. *Whether speaking/ reasoned*  
2. *Whether reportable*

: *Yes / No*  
: *Yes / No*