



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-44347-2025  
Date of decision: 24.09.2025

RAJINDER SINGH @ RAJINDER PANNU ....Petitioner

Versus

M/S OM PARKASH VINOD KUMAR AND ANR. ....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

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

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**RUPINDERJIT CHAHAL, J (ORAL)**

1. The instant petition under Section 528 of BNSS has been filed for quashing of the order dated 05.12.2006 (Annexure P-2), passed by learned Sub Divisional Judicial Magistrate, Pehowa, District Kurukshetra, whereby, the petitioner has been declared proclaimed offender.
2. The substratum of the impugned order, as delineated in the petition, emanates from proceedings in a criminal complaint under Section 138/142 of the Negotiable Instruments Act, 1881, wherein the petitioner was declared a proclaimed person. It is on the strength of such proclamation order that the petitioner was declared proclaimed offender.
3. Learned counsel for the petitioner contends that the underlying complaint under Section 138/142 of the NI Act, 1881 already stands withdrawn pursuant to a compromise/settlement duly recorded before the Court, thereby rendering further prosecution in respect of the impugned order wholly redundant. Reliance is placed on the order dated 26.09.2018 (Annexure P-3) passed by the learned Sub-Divisional Judicial Magistrate,



Pehowa wherein the complainant categorically sought withdrawal of the complaint.

4. Mr. Jatinderpal Singh, Sr. DAG, Punjab puts an appearance and opposes the request of the petitioner by pointing that the petitioner has hoodwinked the process of law as such, his present petition deserves to be dismissed.

5. I have heard learned counsel for the parties and perused the record.

6. The pivotal question for consideration is whether continuation of proceedings declaring petitioner proclaimed offender is justified, where the original complaint under Section 138 NI Act, 1881 the very genesis of the proclamation order has since been withdrawn.

7. A Co-ordinate Bench of this Court in ***Mohammad Hanif Attari v. State of Haryana*** (CRM-M-51049-2019, decided on 06.07.2023), while relying upon earlier precedents including ***Baldev Chand Bansal v. State of Haryana*** (CRM-M-43813-2018, decided on 29.01.2019) and ***Ashok Madaan v. State of Haryana 2020 (4) RCR (Criminal) 87***, has held that where the principal proceedings culminating in a proclamation order have been settled/withdrawn, continuation of prosecution under Section 174-A IPC would be an abuse of process of law.

8. The inherent jurisdiction vested in this Court under Section 528 BNSS, 2023 (analogous to Section 482 Cr.P.C., 1973) is designed to advance substantive justice and to prevent misuse of judicial process. The said power, being plenary in nature, obliges the High Court to harmonize the letter of the law with its spirit, ensuring that technicalities do not eclipse the ends of justice.



9. In the facts of the present case, it is not in dispute that the original proceedings arising out of a complaint under Section 138 NI Act, 1881, is a compoundable offence; and the complaint itself has been withdrawn by the complainant.

10. In this backdrop, continuation of prosecution declaring the petitioner proclaimed offender, when the substratum of the dispute has been obliterated, would serve no fruitful purpose and would rather amount to unnecessary harassment of the petitioner as well as avoidable burden upon the judicial system.

11. Accordingly, the petition is allowed. The impugned order dated 05.12.2006 (Annexure P-2) passed by learned Sub Divisional Judicial Magistrate, Pehowa, District Kurukshetra is hereby quashed. The Appellant's status, as a 'proclaimed offender' is set aside subject to payment of 25,000/- as costs to be deposited by the petitioner in Punjab State Legal Services Authority-Disaster Relief Fund, Account No.44426937384, IFSC:SBIN0014656, State Bank of India, Sector 68, SAS Nagar, Mohali, within four weeks from today.

12. Registry of this Court is directed to ensure compliance of this order qua deposition of Costs.

13. Pending miscellaneous applications, if any, stand(s) disposed of, accordingly.

**(RUPINDERJIT CHAHAL)**  
**JUDGE**

**24.09.2025**  
*Puneet*

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