

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:101471



335

CRM-M-28030-2025 (O&M)

Date of decision:04.08.2025

Rinku Panchal

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Govind Chauhan, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed under Section 528 of the BNSS seeking quashing of FIR No.466, dated 21.08.2021, registered under Section 174-A IPC, at Police Station Civil Lines, Karnal and all the proceedings having emanated therefrom.

2. Brief facts relevant for the purpose of disposal of this petition are that the one criminal complaint bearing NACT-2501 of 2019 was filed against the petitioner on the allegations that he had issued a cheque in favour of the complainant of that case which had been dishonoured and had failed to make payment of amount of that cheque. The petitioner was ordered to be summoned to face trial by the concerned Magistrate. He did not appear before the trial Court and was ultimately declared a proclaimed person vide

order dated 04.08.2021, Learned trial Magistrate also gave directions to register a case under Section 174-A IPC and then FIR No.466 was registered on 21.08.2021.

3. The petitioner has sought quashing of the aforementioned FIR by submitting that after coming to know about the factum of lodging of a complaint against him, he had settled the matter with the complainant of the aforementioned complaint and then the complainant/bank had withdrawn its complaint vide order dated 27.09.2024 (Annexure P-3). However, FIR No.466 had already been registered against the petitioner. It is submitted that since the complaint wherein the petitioner had been declared a proclaimed person itself had been decided/disposed of by way of withdrawal, therefore, continuation of proceedings of FIR No.466 is nothing but an abuse of process of law. To fortify his arguments, learned counsel for the petitioner has placed reliance upon authorities cited as **Daljeet Singh Vs. State of Haryana, 2025 AIR SC 511, Jaspreet Singh Vs. State of Punjab, Law Finder DOC ID#2725364 and Raveena Begam Vs. State of Punjab and another, 2024(3) Law Herald 2479**. With these broad submissions, it is urged that the impugned FIR and the proceedings having emanated therefrom be quashed.

4. Respondent/State has filed its reply. It is argued by learned State counsel that FIR No.466 had been registered against the petitioner in view of orders passed by the Court of learned Judicial Magistrate First Class, Karnal in a criminal complaint. The petitioner had been declared a proclaimed person and as such, under Section 174-A IPC, he was liable to be prosecuted and punished on account of his non-appearance due to the fact

that he has absconded. It is, therefore, argued that no ground for quashing of the FIR is made out. Trial has also commenced. It is, therefore, urged that the petition does not deserve to be allowed.

5. I have heard rival submissions made by learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. It is not in dispute that the petitioner had been declared a proclaimed person in criminal complaint filed against him under Section 138 of the Negotiable Instruments Act. It is also undisputed that such complaint stands withdrawn vide order dated 27.09.2024. By virtue of order dated 04.08.2021 passed in the same complaint, the petitioner had been ordered to be declared as a proclaimed person and direction was given to the SHO concerned for registration of FIR under Section 174-A IPC and accordingly the aforementioned FIR had been registered. The main proceedings have come to an end. In **Pardeep Kumar Vs. State of Punjab and another, 2023, PHHC 110479**, it was observed by a coordinate Bench of this Court that once the Court decides to proceed against an accused for an offence under Section 174-A IPC, it is imperative to institute a formal written complaint in the competent jurisdictional Court since in view of provisions of Section 195 of the Code of Criminal Procedure, no Court is competent to take cognizance of any offence punishable under Sections 172 to 188 IPC except on the complaint in writing. In the instant case, it is revealed that no such complaint had been filed by the concerned Magistrate and it was only on the basis of order passed by him/her that the FIR was registered and therefore, it is apparent that statutory requirement had not been fulfilled.

7. It may also be mentioned that undoubtedly Section 174-A IPC is an independent provision defining a substantive offence as per which proceedings can be initiated against an accused who has been declared a proclaimed person. However, when the original proceedings/complaint wherein such accused is declared a proclaimed person, are culminated or withdrawn due to matter having been settled, then no useful purpose is served if proceedings under Section 174-A IPC are allowed to continue. Reliance in this context can be placed upon the observations made in **Baldev Chand Bansal Vs. State of Haryana & another, 2019 PHHC 012147, Vikas Sharma Vs. Gurpreet Singh Kohli & another, 2017(3) LAR 584 and Microqual Techno Limited & others Vs. State of Haryana & another, 2015(32) RCR (Criminal) 790.**

8. In **Daljit Singh's case (supra)**, the Hon'ble Supreme Court while considering the similar situation and observing the fact that the appellant had been acquitted in the proceedings in which he had been declared a proclaimed person, observed that there was no case for which his presence was required to secure. The appeal filed by the accused had been allowed and the FIR was ordered to be quashed. His status as a proclaimed person was also ordered to be quashed.

9. In the instant case also, since the complaint had been withdrawn by the original complainant against the petitioner in view of the settlement arrived at between them, this Court is of the opinion that continuation of proceedings under Section 174-A IPC would not serve any beneficial purpose. In this regard, this Court also relies upon **Jaspreet Singh's case (supra)**, wherein similar observations were made.

10. In view of the facts and circumstances, this Court holds that since the substantive offence stands settled and complaint filed against the petitioner stands withdrawn, the proceedings of the FIR in question would not serve any beneficial purpose to the cause of justice.

11 Accordingly, the petition is allowed. FIR No.466, dated 21.08.2021, registered under Section 174-A IPC, at Police Station Civil Lines, Karnal along with all the consequential proceedings is ordered to be quashed.

(MANISHA BATRA)
JUDGE

04.08.2025

harjeet

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