



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

143

CRM-M-9388-2025
Decided on : 08.04.2025

Amarjit Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Angel Walia, Advocate
for the petitioner(s).

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Prayer in this petition, filed under Section 528 of BNSS, 2023 (corresponding to Section 482 of Cr.P.C.), is for quashing/setting aside of FIR No.142, dated 16.06.2023, under Section 174-A of IPC, registered at Police Station Jandiala, Amritsar (Annexure P-3) (registered after the petitioner was declared as a 'proclaimed person' in Criminal Complaint bearing No. NACT/2067/2020, titled as, "Partap Singh v. Amarjit Singh Etc."), along with all consequential proceedings arising therefrom.

2. Counsel for the petitioner submits that in complaint filed under Section 138 of the Negotiable Instruments Act, 1881 (in short, 'NI Act'), by Partap Singh (complainant), petitioner – Amarjit Singh, was on bail and regularly appearing before the Ld. Trial Court. However, due to some unforeseen circumstances, he missed his appearance before the Ld. Trial Court, which resulted into passing of order dated 29.03.2023 (P-1), vide which, he was declared 'proclaimed person'. Petitioner filed anticipatory bail petition before the Ld. Additional Sessions Judge, Amritsar, and vide

order dated 28.08.2023 (P-2), he was granted the concession of anticipatory bail and accordingly, directed to appear before the Ld. Trial Court in complaint u/s 138 of NI Act, within a period of 10 days.

Further submits that meanwhile, petitioner was declared 'proclaimed person' on 29.03.2023 (P-1) and consequently, FIR No.142, dated 16.06.2023, under Section 174-A of IPC was also registered against him. Since the petitioner was not aware about the lodging of FIR against him under Section 174-A, he was again arrested. Petitioner again filed regular bail u/s 437 Cr.P.C. and vide order dated 01.07.2023 (P-4), he was granted bail by the Ld. Trial Court.

3. Counsel for the petitioner further submits that the main controversy has already been resolved and as a result thereto, the complaint case itself has been withdrawn by the complainant on 15.01.2025 (P-5).

In support of his contention, counsel for the petitioner refers to the order dated 15.01.2025 (P-5), passed by learned Judicial Magistrate Ist Class, and same is reproduced here-in-below:-

*"Present: Sh. Ravi Kumar Advocate for the complainant
Accused on bail with counsel*

Today, counsel for the complainant suffered statement that he has received Rs. 10,000/- as last full and final payment from the accused today in the Court on behalf of complainant. Now, nothing is due towards the accused. As per instruction of the complainant, he withdraw the present complaint and same may kindly be dismissed as withdrawn. In view of the statement so suffered by counsel for the complainant, the present complaint stands dismissed as withdrawn. Accused stands acquitted. Bail bonds/ surety bonds of accused stands discharged. File be consigned to the record room after due compliance.

Date of Order: 2025-01-15

*(Neelam)
Judicial Magistrate First Class
UID No.PB00651"*

3. Learned counsel for the petitioner further submits that declaration of the petitioner as proclaimed offender, and thereafter, registration of FIR No.142, dated 16.06.2023, under Section 174-A of IPC,

would not be considered as material proceeding, once main offence from which such proceedings emerged, has already been withdrawn on the statement of the complainant. In support of the contention, learned counsel relies upon judgment of the co-ordinate Bench of this Court rendered in *CRM-M-47657-2022*, titled as, “Randhir Singh Tyagi v. State of Haryana and another”, decided on *17.10.2022*.

4. Notice of motion.

5. On asking of the Court, Mr. Amandeep Singh, DAG, Punjab, who is present in Court, accepts notice on behalf of respondent No.1 – State. Copy of the paper book has already been supplied to him.

6. In view of the settled proposition of law, wherein, several other similar matters have already been decided by this Court, learned State counsel has no serious and authentic submissions before this Court to oppose the prayer made in present petition.

7. Heard.

8. Under these circumstances, once the proceedings under Section 138 of NI Act stands withdrawn on the basis of compromise, continuation of the instant FIR under Section 174-A of IPC is nothing but an abuse of process of law. In this regard reliance can be placed upon judgment rendered by this Court in the case of Microqual Techno Limited and others v. State of Haryana and another, *2015(32) RCR (Criminal) 790*, which has also been followed in *CRM-M-47891-2021*, titled as, “Jitender Singh v. State of Haryana and another”, decided on *16.11.2021*, and the order dated *05.09.2022*, passed by this Court in *CRM-M-34291-2022*, titled as, “Pankaj Sharma v. State of Haryana and another”.

9. Accordingly, instant petition is allowed. Order dated

29.03.2023 (Annexure P-1) declaring the petitioner as 'proclaimed person', and all consequential proceedings arising therefrom including FIR No.142, dated 16.06.2023, under Section 174-A of IPC, registered at Police Station Jandiala, Amritsar (Annexure P-3), as well as all consequential proceedings arising therefrom, stand quashed *qua* the petitioner.

Petition stands **disposed of**.

(SANJAY VASHISTH)
JUDGE

April 08, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No