



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

**304**

**CRM-M-54086-2024 (O&M)**

**Date of decision: 08.05.2025**

Vishal Anand

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Saket Bhandari, Advocate  
for the petitioner.

Mr. Rajat Gautam, Addl. A.G. Haryana.

Mr. Vikram Singh Punia, Advocate  
for the complainant.

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**MANJARI NEHRU KAUL, J.**

1. The instant petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') for quashing of FIR order dated 02.11.2019 passed by learned Judicial Magistrate 1<sup>st</sup> Class, Karnal (Annexure P-6), whereby the petitioner was declared as a proclaimed person, and for quashing of FIR No.180 dated 11.11.2029 under Section 174A of the IPC, registered at Police Station Sector 32-33, Karnal, District Karnal (Annexure P-7), charge sheet (Annexure P-9) and quashing the further proceedings arising out of the FIR qua the petitioner.

2. Learned counsel for the petitioner has contended that the petitioner was declared a proclaimed offender in proceedings arising out of a complaint filed under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act'), on 02.11.2019. It is



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submitted that, subsequent to the said proclamation, an FIR was registered against the petitioner for the offence punishable under Section 174A of the IPC. The principal grievance raised by the petitioner is that the learned Trial Court erred in declaring him a proclaimed offender despite having knowledge of the fact that the petitioner was facing a serious threat to his life and had allegedly been kidnapped by the complainant. In this regard, it is submitted that an FIR had already been registered against the complainant under the relevant provisions of the IPC, therefore, such circumstances rendered the petitioner unable to appear before the learned Trial Court and comply with its process.

3. It is further urged that the mandatory procedure envisaged under Section 82 of the Cr.P.C. was not properly followed, inasmuch as the process was issued and published at an address where the petitioner was not residing at the relevant time. Consequently, it is submitted that there was no effective or meaningful service of notice upon the petitioner, thereby vitiating the proclamation proceedings.

4. Insofar as the registration of the FIR under Section 174A of the IPC is concerned, learned counsel for the petitioner contends that the same is barred under Section 195 of the Cr.P.C., which mandates that no Court shall take cognizance of an offence punishable under Section 174A of the IPC except upon a written complaint by the public servant concerned, or by some other public servant to whom he is administratively subordinate. It is contended that in the present case, the FIR was registered in the absence of any such written complaint by



the competent authority, rendering the initiation of proceedings under Section 174A of the IPC untenable.

5. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite and further submitted that the trial in the present case is at an advanced stage. It is submitted, on instructions, that the prosecution evidence has already been concluded and the matter is presently listed for recording of the statement of the accused under Section 313 of the Cr.P.C. Therefore, in all likelihood the proceedings would be concluded in the very near future.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. This Court finds no ground to interfere in the matter at this stage. The material on record clearly indicates that the trial has progressed substantially, with the entire prosecution evidence having already been recorded. The matter is now fixed for recording of the statement of the accused under 313 of the Cr.P.C., and the trial is evidently nearing its culmination.

8. The pleas raised by the petitioner, relating to the procedural lapses in the proclamation proceedings and the alleged illegality in the registration of the FIR under Section 174A of the IPC, are all matters which can be effectively urged before the learned Trial Court at an appropriate stage, particularly in the course of final arguments or by way of an appropriate defence during trial. Interference by this Court at this advanced stage of trial, particularly when the



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factual issues are yet to be adjudicated upon by the learned Trial Court, would not be justified.

9. In view of the foregoing and keeping in mind the settled principle that the extraordinary jurisdiction under Section 482 of the Cr.P.C./528 of the BNSS is to be exercised sparingly and with great caution, no ground is made out for quashing of the FIR in question at this stage. Accordingly, the instant petition is hereby dismissed.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11. Pending applications, if any, stand disposed of.

**08.05.2025**

Vinay

**(MANJARI NEHRU KAUL)**  
**JUDGE**

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