



2025:PHHC:117068



CRM-M-15467-2025

1

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

132

CRM-M-15467-2025

Date of decision: 01.09.2025

Paramjit Singh @ Kaka

...Petitioner

V/s

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Ruby Kaur, Advocate for the petitioner.

Mr. Gurpartap S. Bhullar, AAG Punjab.

\*\*\*\*\*

**SUMEET GOEL, J. (Oral)**

1. Present petition has been filed under Section 528 of the BNSS, 2023, seeking quashing of the FIR No.92 dated 06.09.2021 under Section 229-A of the IPC registered at Police Station Bholath, District Kapurthala as well as all subsequent proceedings and orders arising therefrom.

2. The impugned FIR (as set out in the petition in hand) reads thus:-

*"I have inspected the record of police station and found that accused Paramjit Singh @ Kaka Son of Jagdev Singh resident of Zaid Police station Begowal District Kapurthala has been declared proclaimed offender in FIR No.37 dated 22.05.2014 U/s 21-61-85 NDPS Act Police station Bholath District Kapurthala by the Court of Sh. Jatinder Walia ASJ Kapurthala vide order dated 24-08-2017. It is very much clear that accused Paramjit Singh alias Kaka has committed offence under section 229-A IPC and case has been registered. The investigation of the case is handed over to SI Baljinder Singh-136/Kapu. Special Reports will be sent through Post. Control Room is intimated. Registered Report No.26 dated 06.09.2021."*



**CRM-M-15467-2025**

**2**

3. Learned counsel for the petitioner has iterated that the impugned FIR is wholly misconceived and unsustainable as the same arose merely on account of the absence of the petitioner during the pendency of trial in FIR No.37 dated 22.05.2014 registered under Sections 21, 61, 85 of the NDPS Act and Section 91(1) of the Excise Act. According to learned counsel, the substantive trial arising out of the FIR No.37 has already culminated in clean acquittal of the petitioner vide judgment dated 02.04.2024, wherein all prosecution witnesses stood examined and the petitioner stands exonerated of all the charges. Furthermore, the said judgment has attained finality as no appeal or revision has been preferred against the same. Learned counsel has iterated that once the petitioner has been acquitted of the principal offences in the main case, the ancillary proceedings under Section 229-A of IPC cannot survive independently. It has been further iterated that once the main trial stands decided on merits, the continuation of collateral or consequential proceedings is unwarranted and the same deserves to be quashed. On the strength of aforesaid arguments, the grant of petition in hand is entreated for.

4. Referring to short reply by way of an affidavit of Karnail Singh, PPS, Deputy Superintendent of Police, Sub Division Kapurthala, Punjab, on behalf of State of Punjab, learned State counsel has raised submission in tandem with this reply and has opposed the petition in hand.

5. I have heard learned counsel for the rival parties and have perused the paper-book.

6. The seminal question that arises for consideration in the present petition is as to whether the impugned FIR (as also proceedings arising



therefrom) under Section 229-A of the IPC deserves to be quashed in the factual matrix of the present case.

7. This Court in a judgment passed in CRM-M-13500-2024 titled as *Sanjeet vs. State of Haryana and another*, decided on 23.07.2025, while dealing with the issue of quashing of an FIR under Section 174-A of the IPC arising out of a criminal complaint under Section 138 of the Negotiable Instruments Act; has held as under:

*“6. The seminal question that arises for consideration in the present petition is as to whether the impugned FIR (as also proceedings arising therefrom) under Section 174-A of the IPC deserves to be quashed in the factual matrix of the present case.*

*7. At this juncture; it would be apposite to refer herein to a judgment of this Court passed in CRM-M-51049-2019 titled as Mohammad Hanif Attari vs. State of Haryana, decided on 06.07.2023; relevant whereof reads as under:*

*3. In view the fact that after the principle proceedings in which the petitioner was declared Proclaimed Offender stand concluded, the question would arise is: 'whether in the given circumstances, proceedings under Section 174A of the IPC pursuant to FIR No.425 dated 17th of November, 2017 can be allowed to continue.*

*4. The question framed ibid is no more res integra and already stands answered by Co-ordinate Bench of this Court in CRM-M-43813-2018 titled as "Baldev Chand Bansal v. State of Haryana and another" vide order dated 29.01.2019, which held as under:*

*“Prayer in this petition is for quashing of FIR No.64 dated 15.02.2017 filed under Section 174A of the Indian Penal Code registered at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof as well as order dated 24.10.2016 passed by the trial Court vide which a direction was issued to register the aforesaid FIR.”*

*XX XXX XXXX*

*Learned counsel for the petitioner has relied upon the decisions rendered by this Court in "Vikas Sharma v. Gurpreet Singh Kohli and another (supra), 2017, (3) L.A.R.584, Microqual Techno Limited and others v. State of Haryana and another, 2015 (32)*



*RCR (Criminal) 790 and "Rajneesh Khanna v. State of Haryana and another" 2017 (3) L.A.R. 555 wherein in an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the process of law.*

*XX XXX XXXX*

*In view of the same, I find merit in the present petition and accordingly, present petition is allowed and the impugned order dated 24.10.2016 passed by Judicial Magistrate, 1st Class, Panchkula as well as FIR No.64 dated 15.02.2017 registered under Section 174A of the Indian Penal Code at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof, are hereby quashed."*

*5. Same is the view of another Co-ordinate Bench in the "Ashok Madaan v. State of Haryana and another" reported as 2020 (4) RCR (Criminal) 87, wherein it has been held that:*

*"No doubt, the learned counsel for the respondent has vehemently argued that the offence under Section 174A I.P.C. is independent of the main case, therefore, merely because the main case has been dismissed for want of prosecution, the present petition cannot be allowed, however, keeping in view the fact that the present FIR was registered only on account of absence from the proceedings in the main case which had been subsequently regularised by the court while granting bail to the petitioner, the default stood condoned. In such circumstances, continuation of proceedings under Section 174A LP.C. shall be abuse of the process of court.*

*7. Accordingly, the petition is allowed. FIR No. 446 dated 21.08.2017, registered under Section 174A I.P.C. at Police Station Kotwali, District Faridabad, as well as consequential proceedings shall stand quashed."*

*7.1. More recently, the Hon'ble Supreme Court in a judgment titled as **Daljit Singh vs. State of Haryana and Another, Criminal Appeal No.4359 of 2024** decided on 02.01.2025; has held that:*

*"7.3 Now, what happens if the status under Section 82 Cr.P.C. is nullified i.e., the person subjected to such proclamation, by virtue of subsequent developments is no longer required to be presented before a Court of law. Then, can the prosecution still proceed against such a*



*person for having not appeared before a Court during the time that the process was in effect. The answer is in the affirmative. We say so for the following reasons:-*

*(i) The language of Section 174A, IPC says “whoever fails to appear at the specified place and the specified time as required by proclamation...” This implies that the very instance at which a person is directed to appear, and he does not do so, this Section comes into play;*

*(ii) What further flows from the language employed is that the instance of non-appearance becomes an infraction of the Section, and therefore, prosecution therefor would be independent of Section 82, Cr.P.C. being in effect;*

*(iii) So, while proceedings under Section 174A IPC cannot be initiated independent of Section 82, Cr.P.C., i.e., can only be started post the issuance of proclamation, they can continue if the said proclamation is no longer in effect.*

*(iv) We find that the Delhi High Court has taken this view, i.e., that Section 174A, IPC is a stand-alone offence in **Mukesh Bhatia v.State (NCT of Delhi) 2022 SCC OnLine Del 1023; Divya Verma v. State 2023 SCC OnLine Del 2619; Sameena & Anr. v. State GNCT of Delhi & Anr. Crl. M.C. No.1470 of 2021, Dated 17<sup>th</sup> May, 2022** For the reasons afore-stated, we agree with the findings made in these judgments/orders. At the same time, it stands clarified that we have not commented on the merits of the cases.*

*(v) Granted that the offence prescribed in Section 174A IPC is indeed stand-alone, given that it arises out of an original offence in connection with which proceedings under Section 82 Cr.P.C. is initiated and in the said offence the accused stands, subsequently, acquitted, it would be permissible in law for the Court seized of the trial under such offence, to take note of such a development and treat the same as a ground to draw the proceedings to a close, should such a prayer be made and the circumstances of the case so warrant.*

*8. In conclusion, we hold that Section 174A IPC is an independent, substantive offence, that can continue even if the proclamation under Section 82, Cr.P.C. is extinguished. It is a stand-alone offence. xxxxxxxx”*



*However, the Hon'ble Supreme Court quashed the impugned FIR (therein) under Section 174-A of the IPC since, inter alia, the original offence in the form of criminal complaint under Section 138 of NI Act, 1881 in the said case had been settled and withdrawn by the rival parties."*

The above principle(s) of law; though held in the realm of dealing with an FIR under Section 174-A of IPC arising out of criminal complaint under Section 138 of the Negotiable Instruments Act, 1880; would apply with same vigour to an FIR under Section 229-A of IPC arising out of a FIR under Section NDPS Act.

8. It is for the High Court, while exercising its innate plenary powers under Section 528 of BNSS, 2023/428 of Cr.P.C., 1973, to ratiocinate that it should not apply the law in an austere, academic and exacting technical manner, without considering its practical implications. The law is not merely a set of programmed, *nailed-to-the-ground* rules, to be applied without context. It must be enforced, while bearing in mind, that its purpose is to ensure substantive justice between the parties. The statutory provision of Section 229-A of IPC, when perused in the light of ratio decidendi of the judgment of the Hon'ble Supreme Court in ***Daljit Singh*** (supra) and of this Court in the case of ***Sanjeet*** (supra) unequivocally shows that an FIR under Section 229-A of the IPC does not *proprio vigore* become liable to be quashed, in case the main trial has been decided on merits and culminated in acquittal. However, at the same time, the factum of acquittal and the said judgment having attained finality, is indubitably, a relevant factor to be considered while dealing with a plea for quashing of an FIR (as also proceedings emanating therefrom) under Section 229-A of IPC. This

**CRM-M-15467-2025**

7

fact assumes greater significance considering that once the main trial has been decided on merits and culminated in acquittal, the ancillary proceedings which have no independent existence, cannot be permitted to continue, as the same would amount to abuse of the process of law. Such litigation, especially in the backdrop of main trial having been decided and result in acquittal, will have an adverse impact on the overburdened Court-dockets. Allowing such prosecution, when the main trial has resulted in acquittal would undermine the legislative intent; thereby contravening the principles of fairness, proportionality, and justice in criminal proceedings. A literal interpretation may sometimes lead to unjust outcomes that also contradict the law's underlying purpose. Therefore, the High Court under its inherent jurisdiction must balance the letter of Law with its spirit, ensuring fair and equitable results. This approach underscores Law's role as an apparatus for fostering societal harmony and addressing the real-world complexities, efficaciously as also effectively, rather than mere literal/technical compliance.

9. The inherent jurisdiction under Section 528 BNSS, 2023/Section 482 Cr.P.C., 1973 is primarily aimed at preventing abuse of judicial process and securing the ends of justice. Thus, it is a settled canon of criminal jurisprudence that once the main trial has culminated in acquittal, the ancillary proceedings which derive their foundation therefrom cannot independently subsist and their continuance would only amount to an abuse of the process of law. The inherent powers of a High Court are powers which are incidental replete powers, which if did not so exist, the Court would be obliged to sit still and helplessly see the process of law and Courts

**CRM-M-15467-2025****8**

being abused for the purposes of injustice. In other words; such power(s) is intrinsic to a High Court, it is its very life-blood, its very essence, its immanent attribute. Without such power(s), a High Court would have form but lack the substance. These powers of a High Court hence deserve to be construed with the widest possible amplitude. These inherent powers are in consonance with the nature of a High Court which ought to be, and has in fact been, invested with power(s) to maintain its authority to prevent the process of law/Courts being obstructed or abused. It is a trite posit of jurisprudence that though laws attempt to deal with all cases that may arise, the infinite variety of circumstances which shape events and the imperfections of language make it impossible to lay down provisions capable of governing every case, which in fact arises. A High Court which exists for the furtherance of justice in an indefatigable manner, should therefore, have unfettered power(s) to deal with situations which, though not expressly provided for by the law, need to be dealt with, to prevent injustice or the abuse of the process of law and Courts. The juridical basis of these plenary power(s) is the authority; in fact the seminal duty and responsibility of a High Court; to uphold, to protect and to fulfill the judicial function of administering justice, in accordance with law, in a regular, orderly and effective manner. In other words; Section 528 of BNSS, 2023 reflects peerless powers, which a High Court may draw upon as necessary whenever it is just and equitable to do so, in particular to ensure the observance of the due process of law, to prevent vexation or oppression, to do justice *in* substantial justice between the parties and to secure the ends of justice.



CRM-M-15467-2025

9

10. Keeping in view the entirety of the attending facts and circumstances of the case in hand; especially the petitioner (herein) having been acquitted of the offence under Section the NDPS Act, the original offence alleged to have been committed in the year 2014 and no useful purpose seeming to be arising by continuation of the proceedings *qua* the impugned FIR; this Court deems it appropriate that the impugned FIR as also all proceedings emanating therefrom deserve to be quashed.

11. It view of the prevenient ratiocination, it is ordained thus:

- (i) The FIR No.92 dated 06.09.2021 under Section 229-A of the IPC registered at Police Station Bholath, District Kapurthala as well as all subsequent proceedings and orders arising therefrom stand quashed.
- (ii) All pending application(s), if any, stands disposed of.

**(SUMEET GOEL)**  
**JUDGE**

September 01, 2025

*Ajay*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No