

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

CNR No: PHHC011002182024

2026:PHHC:115342



285

CRM-M-37719-2024 (O&amp;M)

Date of decision: 21.08.2026

Hardeep Kaur Sidhu

...Petitioner

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Nirmaljeet Singh Sidhu, Advocate  
for the petitioner.

Mr. Vivek Sharma, AAG, Punjab.

**MANISHA BATRA, J. (Oral)**

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C. seeking quashing of FIR No.21 dated 20.02.2023, registered under Section 174-A IPC at Police Station Phul, District Bathinda, along with all subsequent proceedings arising therefrom.

2. Briefly stated, respondent No.2 had instituted a complaint under Sections 138 and 142 of the Negotiable Instruments Act, 1881 against the petitioner and another. During pendency of the said complaint, the petitioner was declared as a proclaimed person vide order dated 08.02.2023. In pursuance of the aforesaid order, the impugned FIR No.21 dated 20.02.2023 came to be registered against the petitioner under Section 174-A IPC at Police Station Phul, District Bathinda. Subsequently, the matter was amicably settled between the parties. Respondent No.2 suffered a statement before the learned trial Court on 13.10.2023 stating that a compromise had been effected with

the accused and that he did not want to pursue the complaint and wanted to withdraw the same. Consequently, the learned trial Court dismissed the complaint as withdrawn vide order dated 13.10.2023.

3. Learned counsel for the petitioner has argued that the petitioner was declared as a proclaimed person in the complaint under Section 138 of the Negotiable Instruments Act and, consequently, FIR under Section 174-A IPC came to be registered. It is submitted that the petitioner was not properly served in the main complaint and was unaware about the pendency thereof. It is further argued that subsequently the matter has been amicably settled between the parties and respondent No.2 has withdrawn the complaint after recording his statement before the learned trial Court. Thus, the principal proceedings under Section 138 of the Negotiable Instruments Act no longer survive. It has further been argued that once the principal complaint under Section 138 of the N.I. Act has been withdrawn on account of compromise between the parties, continuation of proceedings under Section 174-A IPC would amount to abuse of the process of law. Reliance has been placed upon judgments passed by this Court in ***“Smriti v. State of Haryana and another”***, ***CRM-M-20500-2022, decided on 12.05.2022*** and ***“Narinder Pal Singh v. State of Punjab and another”***, ***CRM-M-41946-2020, decided on 26.05.2022***, wherein in similar circumstances, FIRs registered under Section 174-A IPC were quashed after settlement of the main complaint under Section 138 of the Negotiable Instruments Act.

4. There is no representation on behalf of respondent No.2.

5. Status report has been filed by the respondent-State. Learned State counsel has opposed the prayer of the petitioner by submitting that no

case is made out for quashing of the impugned as the same was registered due to continuous absence of the petitioner before the learned trial Court. Hence, it is urged that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. The undisputed factual position emerging from the record is that the impugned FIR under Section 174-A IPC owes its origin to proceedings initiated in a complaint under Sections 138 and 142 of the N.I. Act, instituted by respondent No.2 against the petitioner and another. During pendency of the said complaint, the petitioner was declared as a proclaimed person vide order dated 08.02.2023 and, pursuant thereto, the impugned FIR came to be registered on 20.02.2023. A perusal of the record further reveals that subsequently, the parties amicably resolved their dispute and respondent No.2 suffered a statement before the learned trial Court on 13.10.2023 stating that the matter had been compromised and that he did not want to pursue the complaint. Consequently, the complaint was dismissed as withdrawn vide order dated 13.10.2023. In the aforesaid backdrop, the seminal question which arises for consideration is as to whether continuation of proceedings under Section 174-A IPC would survive once the principal proceedings under Section 138 of the N. I. Act already stand withdrawn on the basis of compromise between the parties.

8. The aforesaid issue is no longer res integra. Reference can be made to authority cited as ***Daljit Singh v. State of Haryana and another, 2025 INSC 21***, the Hon'ble Supreme Court has held 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. However, the Hon'ble Supreme Court quashed the impugned FIR under Section 174-A of the IPC since, inter alia, the original offence in the form of criminal complaint under Section 138 of N. I. Act in the said case had been settled and withdrawn by the rival parties. Reliance can also be placed upon ***Mohammad Hanif Attari v. State of Haryana, CRM-M-51049-2019, decided on 06.07.2023***, wherein this Court, while relying upon earlier judgments rendered in ***Baldev Chand Bansal v. State of Haryana and another, CRM-M-43813-2018, decided on 29.01.2019***; ***Vikas Sharma v. Gurpreet Singh Kohli and another, 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 Vs. State of Haryana and another, 2017(3) L.A.R. 555***, has held that where the principal complaint under Section 138 of the N. I. Act stands withdrawn on account of compromise, continuation of proceedings under Section 174-A IPC would amount to abuse of the process of law.

9. Similarly, in ***Ashok Madaan v. State of Haryana and another, 2020(4) RCR (Criminal) 87***, it was held by this Court that though the offence under Section 174-A IPC may be an independent offence, yet where the FIR had been registered only because of absence of the accused in the main complaint and the said complaint itself no longer survives, continuation of proceedings under Section 174-A IPC would not serve any useful purpose and would amount to misuse of the process of Court. Reference may also be made to the judgments relied upon by learned counsel for the petitioner in ***Smriti's case (supra)*** and ***Narinder Pal Singh's case (supra)***, wherein also, this Court quashed FIRs registered under Section 174-A IPC after settlement and

withdrawal of the complaint under Section 138 of the Negotiable Instruments Act.

10. The ratio flowing from the aforesaid judgments squarely governs the present case. Once the substantive proceedings under Sections 138 and 142 of the N. I. Act have culminated in a compromise and the complaint itself has been withdrawn, continuation of criminal proceedings under Section 174-A IPC would be wholly unjustified. The very purpose behind initiation of proceedings under Section 174-A IPC was to secure the presence of the petitioner in the complaint proceedings. After settlement of the dispute and withdrawal of the complaint, no fruitful purpose would be served by permitting the impugned FIR to continue.

11. Moreso, a reference can be made to the bar contained under Section 195 Cr.P.C. A coordinate Bench of this Court in ***Pardeep Kumar v. State of Punjab and another, CRM-M-41656-2023, decided on 23.08.2023***, after undertaking an elaborate examination of Sections 174-A IPC and 195 Cr.P.C., has categorically held that cognizance of an offence under Section 174-A IPC cannot be taken except upon a complaint in writing by the concerned public servant or by a public servant to whom he is administratively subordinate. It was observed that though Section 174-A IPC is a cognizable offence, yet the same continues to fall within the ambit of Section 195(1)(a)(i) Cr.P.C., as the said provision expressly applies to offences punishable under Sections 172 to 188 IPC. It was further held that the Magistrate, after declaring an accused as proclaimed person, cannot simply direct the police to register an FIR under Section 174-A IPC and set the criminal law into motion through the police machinery, but is required to

adopt the procedure prescribed under Section 195 Cr.P.C. by filing a complaint before the competent Court.

12. In the present case also, the impugned FIR under Section 174-A IPC came to be registered on the basis of directions issued by the learned trial Court to the concerned SHO after declaring the petitioner as proclaimed person, without institution of any complaint as contemplated under Section 195 Cr.P.C. Thus, the very initiation of proceedings stands vitiated being contrary to the mandatory statutory requirement. Consequently, continuation of the impugned proceedings would amount to abuse of the process of law and cannot be permitted to continue.

13. In view of the settled legal position and keeping in view the peculiar facts and circumstances of the present case, this Court is of the considered opinion that continuation of the impugned FIR and consequential proceedings would amount to abuse of the process of law and miscarriage of justice. Consequently, the present petition is allowed and FIR No.21 dated 20.02.2023 registered under Section 174-A IPC at Police Station Phul, District Bathinda and all subsequent proceedings arising therefrom, are hereby quashed.

21.08.2026

*Waseem R. Ansari*

(MANISHA BATRA)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*