

CRM-M-25807-2026

1

CNR No:PHHC010769072026
2026:PHHC:102075



203 (2nd case)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25807-2026

Navneet Singla

....Petitioner

versus

State of U.T., Chandigarh and another

....Respondents

Date of Decision: July 23, 2026

Date of Uploading: July 24, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sandeep Gahlawat, Advocate for the petitioner.

Mr. Manish Bansal, Public Prosecutor U.T., Chandigarh with
Mr. Shubham Mangla, A.P.P. U.T., Chandigarh and
Mr. Arjun Garg, Advocate
for the respondent – U.T., Chandigarh.

Ms. Amandeep Kaur, Advocate for respondent No.2.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 528 of the BNSS, 2023 for quashing of FIR No.187 dated 13.07.2023, registered under Section 174-A of IPC, at Police Station Sector 36, Chandigarh, which was registered pursuant to the order dated 03.07.2023 (Annexure P-2) passed by learned JMIC, Chandigarh, in criminal complaint No.NACT 18653 of 2018, dated 05.10.2018, filed under Section 138 of the NI Act, titled as “Paramjit Singh versus Navneet Singla” and all consequential proceedings arising therefrom, as the entire dispute between the parties has been amicably settled, vide Compromise Deed dated 15.04.2026 (Annexure P-6).

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

*“CNR No: CHCH030175102018, CIS No: NACT/18653/2018
PARAMJIT SINGH VS NAVNEET SINGLA etc.*

Present: Sh. Bhupinder Singh Thind Advocate for the complainant.

Today, the case was fixed for awaiting presence of accused NAVNEET SINGLA and also exhausting the mandatory time period of 30 days. Perusal of the file reveals that proclamation issued against accused NAVNEET SINGLA was executed on 17.5.2023. Period of 30 days has already been expired. Despite due publication, accused NAVNEET SINGLA has not appeared and it is apparent that accused is absconding and concealing himself. Accordingly, accused NAVNEET SINGLA is declared Proclaimed Person. Intimation in this regard be sent to PO staff and SHO, Sector 36, Chandigarh with a direction to enter the name of the accused in the relevant register maintained as per police rules and with a further direction to arrest the accused persons and produce them before the court as soon as possible by taking all the necessary steps as per law and with the further direction to register FIR against the accused NAVNEET SINGLA under Section 174-A of IPC and send intimation to this Court with compliance report. The above said instructions be sent to the SHO concerned through the Naib Court Reader of this Court is directed to forward the copy of order to the SHO, PS-36 for information and necessary action. At this stage, Id. Counsel for the complainant stated at bar that preliminary evidence already recorded be read in his evidence under Section 299 Cr.P.C. and remaining evidence will be lead as and when the accused is arrested and produced before the Court. Separate list of particulars of property of accused for the purpose of attachment under Section 83 of Cr.P.C. not filed. Id. Counsel for the complainant stated that he shall file the particulars of property of accused as and when they come to his knowledge for further proceedings. However, Ahlmad is directed to separate the copy of PO order and intimation to Manager of concerned bank for attachment of account of accused as mentioned in cheque in question, under intimation to this Court. File be consigned to record room after due compliance with a red ink note that accused has been declared as proclaimed person in the present case and proceedings against him will be initiated as and when he will be arrested or accused himself appears before the Court and till then file should not be destroyed.

*Sd. (Tarun Kumar, PCS Judicial Magistrate 1st Class, Chd.
UID No. PB00631
Date of order: 03.07.2023*

*Copy forwarded to SHO PS-36, Chd. for information
Sd/- In English (Reader)*

POLICE PROCEEDINGS: At this stage, a copy of Order passed in CNR No. CHCH030175102018, CIS No: NACT/18653/2018 Paramjit Singh VS Navneet Singla etc. issued by the Court of Shri Tarun Kumar, PCS, Judicial Magistrate, First Class, Chandigarh, UID No. PB00631 for registration of case F.I.R. has been received against Navneet Singla, Address: H. No. 725, Sector 21, Panchkula, HR for the offences under Section 174-A of the IPC through the Naib Court of above Court in the Police Station. Upon which, case F.I.R. No.187/2023, under Section 174-A of IPC has been registered against above Navneet Singla in the Police Station. Copy of Original Tehrir along with copy of missal police is handed over to Constable Sandeep Kumar 4974/CP for sending the same to S.I. Yashpal Singh 1510/CHG, P.P. 61, Chandigarh for investigation. Copies of F.I.R. would be sent to the Senior Officers. Note: The parties have a right to free legal aid and they are or any of them, if required, can

avail free legal aid from District legal services authority, Second Floor, Service Block, District Court Complex, Sector 43, U.T. Chandigarh. Helpline No.8427566990.”

3. Learned counsel for the petitioner has submitted that the impugned FIR, has its genesis, in a criminal complaint filed against the petitioner (*herein*) under Section 138 of the NI Act, in proceedings whereof the petitioner was declared as a proclaimed person & hence the impugned FIR came to be registered against the petitioner. Learned counsel for the petitioner has argued that in the complaint case under Section 138 of the NI Act, the petitioner was released on bail, but later on, due to non-appearance of the petitioner, bail of the petitioner was cancelled and bail bonds were forfeited to the State. Thereafter, the petitioner was declared as proclaimed person in the complaint case on 03.07.2023. It has been stated that impugned FIR was registered against the petitioner on 13.07.2023. Learned counsel has submitted that, the petitioner was initially granted bail in the FIR case, however, the petitioner could not subsequently appear before the trial Court, therefore, he was declared proclaimed person again on 06.11.2025 in the impugned FIR case as well. Learned counsel has iterated that a compromise dated 15.04.2026 (Annexure P-6) has been effected between the petitioner and the complainant. It has been submitted that vide order dated 18.07.2026 passed by learned Additional Sessions Judge-cum-Presiding Officer, Lok Adalat, Chandigarh, an appeal preferred by the petitioner against the judgment/ order of conviction/ sentence dated 19.09.2023 (Annexure P-4) in main complaint case under Section 138 of the NI Act had been accepted and the offence in question has been compounded. The petitioner has been acquitted of the charges leveled against him.

3.1. It has been further iterated that as the main criminal complaint under Section 138 of NI Act has been rendered infructuous, vide order of even date passed in **CRM-M-26466-2026** by this Court, in view of the order dated 18.07.2026 *ibid*, as the rival parties had entered into a settlement, therefore, no

useful purpose would be served by continuation of the proceedings *qua* the impugned FIR. To buttress this aspect of his argument, learned counsel for the petitioner has relied upon the order dated 18.07.2026 passed by the learned Additional Sessions Judge-cum-Presiding Officer, Lok Adalat, Chandigarh, which reads thus:

“Today the matter has been taken up in Lok Adalat as per order dated 04.07.2026 passed by the regular Court. Appellant-accused Navneet Singla along with counsel suffered statement as under :-

“Stated that I and respondent-complainant have compromised the matter and I am ready to pay an amount of Rs.5,00,000/- qua the cheque in question. I have already paid the settled amount to respondent-complainant. Nothing remains due against me. The offence be permitted to be compounded. It is requested that compounding fees may please be exempted/waived of and I may kindly be acquitted in the above noted case”.

On the other hand, learned counsel for the respondent-complainant suffered statement as under :-

“Stated that respondent and appellant have compromised the matter in Rs.5,00,000/- as full and final amount qua cheque in question. Respondent-complainant has already received the settled amount. Now nothing is due against the appellant-accused. Respondent-complainant has no objection if the offence is compounded and the appellant-accused is acquitted in the above-noted case”.

I have gone through the statements of the parties qua the compromise effected between the parties. Appellant/accused was convicted by the Ld Trial Court in a complaint case under Section 138 N.I.Act. The offence under Section 138 N.I. Act is compoundable with the permission of the Court. As such necessary permission is granted to compound the offence. In view of statement of the parties and in view of the fact that the parties have compromised the matter, which is good for well being of the parties, the request to effect compromise is accepted and the offence is compounded against the appellant/accused. Compounding fee of 15% is ordered to be waived off. The accused/appellant is acquitted of the Notice of Accusation framed against him. The judgment passed by the learned trial Magistrate is set aside. The present criminal appeal is allowed accordingly. The appellant-accused is acquitted from the charges levelled against him.

A copy of this order along with Learned Trial Court record be transmitted forthwith to the quarter concerned. Appeal file be returned to the Court concerned for consignment purposes.”

On the strength of above arguments, learned counsel for the petitioner has pressed for grant of petition in hand.

4. Learned State counsel has opposed the petition in hand. He, however, does not dispute the fact that the parties have amicably resolved the matter and main criminal complaint under Section 138 of NI Act has been

rendered infructuous, vide order of even date passed in **CRM-M-26466-2026** by this Court, in view of the order dated 18.07.2026 *ibid*.

4.1. Learned counsel for respondent No.2 does not controvert the aforesaid factual position and expresses no objection, in case, the petition in hand is granted.

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 209 of BNS (erstwhile 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 I.P.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. CrI. M.C. No.1470 of 2021, Dated 17th 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. xxxxxxxxx”*

However, the Hon’ble Supreme Court quashed the impugned FIR (therein) under Section 209 of the BNS (erstwhile 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.

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 174-A of IPC, when perused in the light of *ratio decidendi* of the judgment of the Hon’ble Supreme Court in ***Daljit Singh’s*** case (supra), unequivocally shows that an FIR under Section 174-A of the IPC does not *proprio vigore* become liable to be quashed, even in cases where the rival parties have entered into a compromise and such criminal complaint/FIR has been compromised and quashed/withdrawn accordingly. However, at the same time, the factum of the criminal complaint/FIR (in furtherance of proceedings whereof) having been compromised/settled, 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 174-A of IPC. This fact assumes greater significance considering that the initial

proceedings pertain exclusively to a private criminal complaint under Section 138 of NI Act, 1881, which the legislature has expressly classified as a compoundable offence. Such litigation, especially in the backdrop of original offence having been compromised will have an adverse impact on the overburdened Court-dockets. Allowing such prosecution, when initial complaint has been settled/withdrawn would undermine the legislative intent and distort the remedial nature of Section 138 of NI Act of 1881. It would tantamount to contravening the principles of fairness, proportionality, and justice in criminal proceedings. A literal interpretation may sometimes lead to an unjust outcome that also contradicts the law's underlined 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, when the dispute is essentially personal in nature and a genuine compromise has been reached, the High Court may intervene to quash the criminal proceedings, recognizing the continuation thereof would be non-productive and unjust in the given circumstances. 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 as well as the Courts 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 posits 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 *nay* substantial justice between the parties and to secure the ends of justice.

10. Keeping in view the entirety of the attending facts and circumstances of the case in hand; especially the original offence being an offence under Section 138 of Negotiable Instruments Act of 1881, the original offence alleged to have been committed in the year 2017, the subject matter of the original offence having been settled amicably between the parties and the main criminal complaint under Section 138 of NI Act having been rendered infructuous, vide order of even date passed in **CRM-M-26466-2026** by this Court, in view of the order dated 18.07.2026 *ibid*, on the basis of such settlement/compromise; this Court deems it appropriate that the impugned FIR as also all proceedings emanating therefrom deserve to be quashed.

11. It is, hence, directed as under:

- (i) Instant petition is **allowed**;
- (ii) The FIR No.187 dated 13.07.2023, registered under Section 174-A of IPC, at Police Station Sector 36, Chandigarh, which was registered pursuant to the order dated 03.07.2023 (Annexure P-2) passed by learned JMIC, Chandigarh, in criminal complaint No.NACT 18653 of 2018, dated 05.10.2018, filed under Section 138 of the NI Act, titled as “Paramjit Singh versus Navneet Singla” along with all consequential proceedings, stand **quashed**;
- (iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

July 23, 2026
mahavir
Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No