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

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CNR No: PHHC011135582026

2026:PHHC:121132

1. CRM-M-38448-2026 (O&M)

Nilesh Shantilal Patel and another **...Petitioners**

Versus

State of Haryana and another **...Respondents**

2. CRM-M-42106-2026 (O&M)

Nilesh Shantilal Patel and another **...Petitioners**

Versus

State of Haryana and another **...Respondents**

3. CRM-M-42125-2026 (O&M)

Nilesh Shantilal Patel and another **...Petitioners**

Versus

State of Haryana and another **...Respondents**

4. CRM-M-42152-2026 (O&M)

Nilesh Shantilal Patel and another **...Petitioners**

Versus

State of Haryana and another **...Respondents**

5. CRM-M-42170-2026 (O&M)

Nilesh Shantilal Patel and another **...Petitioners**

Versus

State of Haryana and another **...Respondents**

6. CRM-M-42268-2026 (O&M)

Nilesh Shantilal Patel and another **...Petitioners**

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Versus

State of Haryana and another **...Respondents**

Date of decision : 31.08.2026

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Balwinder Sangwan, Advocate
for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Abhayjit Singh Rao, Advocate
for respondent No. 2.

MANISHA BATRA, J. *(Oral)*

1. This common order shall dispose of aforementioned six petitions as they are similar in nature and seek identical relief.

2. These petitions have been filed by the petitioners under Section 528 of BNSS, 2023 seeking quashing of order dated 22.05.2025, passed by the Court of learned Judicial Magistrate First Class, Faridabad in six similar complaint cases, all titled as ***Adgel Corporation v. Balaji Fiber Reinforce Private Limited and others***, filed by respondent No. 2 under Section 138 of the N. I. Act, 1881, whereby the petitioners were declared as proclaimed persons and also for quashing of FIR No. 157 dated 06.05.2026, which was registered under Section 209 of BNS, 2023 *(which corresponds to Section 174-A IPC)* at Police Station Faridabad Kotwali, along with all subsequent proceedings arising therefrom.

3. Brief facts of the case relevant for the purpose of disposal of these petitions are that respondent No.2, Adgel Corporation, had instituted five complaints under Section 138 of the N. I. Act against the petitioners, bearing NACT Nos. 212/2019, 315/2019, 316/2019, 455/2019 and 456/2019.

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On 22.05.2025, the learned JMIC, Faridabad, noticing the absence of accused Nos.2 and 3 despite issuance of proclamation and expiry of the statutory period, declared petitioner No.1 Nilesh Shantilal Patel and petitioner No.2 Shantilal Daya Bhati Patel as proclaimed persons and directed the SHO concerned to take action under Section 209 BNS. Pursuant to the aforesaid order, FIR No.157 dated 06.05.2026 came to be registered at Police Station Faridabad Kotwali under Section 209 BNS. It is further the case of the petitioners that, subsequently, the parties amicably resolved their disputes and executed a Settlement Deed dated 08.05.2026, pursuant to which respondent No.2 agreed to withdraw the aforesaid five complaints. In furtherance thereof, all the aforementioned five complaints were dismissed as withdrawn by the learned JMIC, Faridabad, vide orders dated 08.06.2026.

4. Learned counsel for the petitioners has argued that they came to know about the pendency of the complaint and registration of the FIR only when the police started visiting his house. Thereafter, the matter was amicably settled between the parties and respondent No.2 withdrew all the five complaints, as mentioned above. It is further argued that once the principal proceedings under Section 138 of the N. I. Act have been withdrawn on account of compromise, continuation of proceedings under Section 290 BNS would amount to abuse of the process of law. Learned counsel has also argued that the order declaring the petitioners as proclaimed persons is itself not sustainable inasmuch as the mandatory period contemplated under law had not been properly afforded to the petitioner. 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.***

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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.

5. Learned counsel for respondent No. 2 has filed his *Vakalatnama*. He has admitted the factum of compromise having arrived at between the petitioners and respondent No. 2. He has submitted that he has no objection in case the present petitions are allowed by this Court.

6. However, learned State counsel has opposed the prayer of the petitioners by submitting that there is no infirmity or illegality in the impugned order as well as in subsequent proceedings initiated against the petitioners including registration of impugned FIR. Hence, it is urged that the petitions are liable to be dismissed.

7. This Court has heard the rival submissions.

8. The undisputed factual position emerging from the record is that the impugned FIR under Section 290 BNS owes its origin to proceedings initiated in complaints under Section 138 of the N. I. Act, instituted by respondent No.2 against the petitioners. It is also not in dispute that during pendency of the said complaint, the petitioners were declared as proclaimed persons vide impugned order dated 22.05.2025 and, pursuant thereto, the impugned FIR came to be registered. A perusal of the record further reveals that subsequently the parties amicably resolved their dispute and respondent No.2 withdrew the aforementioned complaints after receipt of the disputed amount. In the aforesaid backdrop, the seminal question which arises for consideration is as to whether continuation of proceedings under Section 290

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BNS 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.

9. The aforesaid issue is no longer res integra. Reference can be made to authority cited as ***Daljit Singh v. State of Haryana and another, Criminal Appeal No. 4359 of 2024, decided on 02.01.2025***, 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.

10. 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

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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.

11. The ratio flowing from the aforesaid judgments squarely governs the present case. Once the substantive proceedings under Section 138 of the N. I. Act have culminated in a compromise and the complaint itself has been withdrawn, continuation of criminal proceedings under Section 290 BNS would be wholly unjustified. The very purpose behind initiation of proceedings under Section 290 BNS 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.

12. 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 Vs. 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

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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.

13. In the present case also, the impugned FIR under Section 290 BNS came to be registered merely on the basis of directions issued by the learned trial Court to the SHO concerned after declaring the petitioners as proclaimed persons, 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. Apart from the above, this Court is also of the view that the proclamation proceedings were not conducted strictly in accordance with law prescribed under Section 82 Cr.P.C/84 BNSS.

14. 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

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justice. Consequently, the present petitions are allowed and order dated 22.05.2025 passed by the learned Judicial Magistrate First Class, Faridabad in aforementioned complaints, whereby the petitioners were declared as proclaimed persons as well as FIR No. 157 dated 06.05.2026, which was registered under Section 209 of BNS, 2023 at Police Station Faridabad Kotwali and all subsequent proceedings arising therefrom, are hereby quashed.

15. Let a photocopy of this order be placed on the files of the connected cases.

31.08.2026 **(MANISHA BATRA)**
Waseem R. Ansari **JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*

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