

280 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.36734 of 2016 (O&M)
Date of Decision : 22.11.2016

Satnam Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ashok Singla, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

AJAY TEWARI, J. (Oral)

On 19.10.2016 the following order was passed :-

“This is a petition for quashing of FIR No.60 dated 14.07.2012, registered at Police Station Chhajli, District Sangrur, under Section 174-A IPC.

Sale deed had taken place between the petitioner and the complainant in the year 2005. The petitioner moved to Australia in the year 2007. The complainant moved the complaint in the year 2010 pursuant to which FIR was lodged in the year 2011. The petitioner was wrongly declared the proclaimed offender without any attempt

having been made to summon or serve him in Australia and the present FIR has been registered under Section 174 -A IPC for that offence.

Notice of motion.

On asking of the Court, Mr. K.S.Pannu, DAG, Punjab has accepted notice on behalf of respondent(s)-State.

Adjourned to 22.11.2016.

Meanwhile, further proceedings before the learned trial Court shall remain stayed.

To be heard alongwith Criminal Misc.No.M-7020 of 2016.”

By order dated 22.11.2016 passed in CRM-M-7020-2016 the order declaring the petitioner as proclaimed offender has been set aside.

Learned counsel for the petitioner has relied upon ***Microqual Techno Limited and others Vs. State of Haryana and another, 2015 (3) DCR 202*** as per which this Court has held that once the impugned FIR has been quashed (alongwith the order declaring petitioners as proclaimed offender) the FIR under Section 174-A can not be proceeded with.

Consequently the petition is allowed and impugned FIR is set aside.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

22.11.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No