

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

CRM No.M-24233 of 2016 (O&M)

Date of Decision: March 27, 2017

Dalip Kumar

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Imran Farooqi, Advocate,
for the petitioner.

Mr.J.S.Bhullar, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Anil Kumar Garg, Advocate
for respondent No.2.

INDERJIT SINGH, J.

The petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Lalit Kumar Goyal for quashing of FIR No.70 dated 10.07.2012 under Section 174-A IPC registered at Police Station City Malerkotla, District Sangrur, on the basis of compromise dated 30.03.2016 and affidavit (Annexure P-8).

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared.

At the time of arguments, learned counsel for the petitioner contended that this petition be treated as on merit instead of compromise.

Learned State counsel as well as learned counsel for respondent

No.2 having no objection to it. Therefore, this petition is treated as filed on merit.

The only argument of learned counsel for the petitioner is that Section 174-A IPC has come into force on 23.06.2006 whereas in this case, the proclamation has been issued in FIR No.214 dated 30.08.2004 in the year 2005.

Learned State counsel as well as learned counsel for respondent No.2 have not contested this fact.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

First of all, I find that non-appearance on the publication of the proclamation has been made an offence afterwards and Section 174-A IPC has been added in the year 2006. If the proclamation has been issued earlier in the year 2005 and at that time, non-appearance in view of the publication of proclamation was not an offence, therefore, no FIR can be got registered against the petitioner for non-appearance as this amendment is to be applied prospectively.

Therefore, finding merit in the present petition, the same is allowed. FIR No.70 dated 10.07.2012 under Section 174-A IPC registered at Police Station City Malerkotla, District Sangrur and all subsequent proceedings arising therefrom, are hereby quashed.

March 27, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No