

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

**CRM-M No.20329 of 2017 (O&M)
Date of Decision: 19.03.2019**

Jitender

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present Mr. J.L.Malhotra and Mr. Umesh Kumar Kadian, Advocates
for the petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for respondent No.1/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 482 of the Code of Criminal Procedure (*for short 'Cr.P.C.'*) for quashing of FIR No.201 dated 01.09.2016 (**P-6**), under Section 174-A of the Indian Penal Code, 1860 (*for short 'IPC'*), registered at Police Station Civil Lines, Bhiwani as well as order dated 29.08.2016 (**P-5**), whereby the petitioner was declared as proclaimed offender in FIR No.205 dated 08.05.2014 (**P-2**), under Sections 341, 323 and 506 IPC, registered at Police Station Civil Lines, District Bhiwani.

It is contended by learned counsel for the petitioner that in FIR No.205 dated 08.05.2014, petitioner stands already acquitted on the basis of compromise as the offences were compounded by learned Chief Judicial Magistrate, Bhiwani on 21.04.2017 (**P-9**) and thus, the pendency of the present proceedings, arising out of FIR No.201 dated 01.09.2016, under Section 174-A

IPC, are absolute misuse of the process of the Court and deserve to be quashed and set aside.

Learned State Counsel has opposed the submissions, on instructions from ASI Umed Singh, and contended that since the petitioner was declared as proclaimed offender, therefore, petition deserves to be dismissed.

Heard both sides and perused the paper book carefully.

There is no dispute that in FIR No.205 dated 08.05.2014, petitioner was declared as proclaimed offender, but he stands already acquitted by learned trial Court on the basis of compromise with the complainant.

Paper-book reveals that despite service, respondent/complainant-Sanjiv Bansal @ Sanjiv Changia has not chosen to come forward for opposing the present petition and thus, it seems that he has no grievance against the petitioner if the present petition is allowed.

Still further, petitioner was residing at Chandigarh, but it transpires that proclamation under Section 82 Cr.P.C. was issued in his native village i.e. Meham, District Rohtak, but no one from his family is residing there. Therefore, impugned order dated 29.08.2016, which is the basis for registration of the FIR, has been passed without effecting any proper service and is vitiated in law.

Since the main criminal case is already closed, therefore, no purpose would be served by keeping the proceedings pending before learned Judicial Magistrate Ist Class, Bhiwani, arising out of FIR No.201 dated 01.09.2016, under Section 174-A IPC on the basis of above impugned order.

In view of the above, this Court is left with no option except to allow the present petition. Consequently, order dated 29.08.2016, whereby the petitioner was declared as proclaimed offender, resultant FIR No.201 dated

01.09.2016, under Section 174-A, IPC, registered at Police Station Civil Lines, District Bhiwani along with all consequential proceedings, if any, are quashed and set aside.

Disposed off accordingly.

March 19, 2019
Mamta/Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes