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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.40997 of 2019
Date of decision: 27.11.2019

Ranbir Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Munish Puri, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for quashing of FIR No.23 dated 22.04.2019 registered under Section 174-A IPC at Police Station Sadar Pathankot, District Pathankot and all other subsequent proceedings arising therefrom.

Counsel for the petitioner has submitted that in pursuance of the order dated 01.02.2019, the petitioner had appeared before the trial Court and since the FIR was quashed vide order dated 16.05.2019 passed in CRM-M No.4656 of 2019, which was decided along with CRM-M No.10742 of 2019, the order granting interim bail was also rendered infructuous.

Counsel for the petitioner has further argued that during the pendency of the said FIR, the Court has directed to register the impugned FIR under Section 174-A IPC. It is further submitted that since the dispute between the husband and wife stands settled and the FIR No.116 dated 21.11.2012 under Sections 498-A, 406, 506 and 34 IPC stands quashed against all the accused persons, no purpose will be

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served in prosecuting the petitioner in pursuance of FIR No.23 dated 22.04.2019 as the petitioner was nominated as an accused in FIR No.116 dated 21.11.2012, being the brother-in-law of the complainant.

Counsel for the petitioner has also submitted that since the litigation between the complainant and her husband, the brother of the petitioner already stands settled, the petitioner who is presently residing abroad will face great hardship in case he is directed to face the prosecution in the impugned FIR registered under Section 174-A IPC.

Counsel for the petitioner has relied upon the judgment ***"Microqual Techno Limited and others Vs. State of Haryana and another",*** **2015 (32) RCR (Crl.) 790** to submit that when subsequent to registration of the FIR under Section 174-A IPC, the matter under Section 138 of the Negotiable Instruments Act stands compromised, the petitioner is liable to be discharged, therefore, continuation of proceedings under Section 174-A IPC shall be nothing but an abuse of the process of law.

Counsel for the State on the basis of the orders passed by this Court (copy attached as Annexures P2 to P7) has not disputed the fact that FIR No.116 dated 21.11.2012 stands quashed in pursuance to compromise arrived at between the husband and wife. It is also not disputed that the petitioner is the brother of the husband of the complainant and even the FIR No.116 dated 21.11.2012 against the petitioner stands quashed.

Considering the fact that the petitioner has appeared before the proceedings in the FIR which was later on quashed, no purpose will be served in prosecuting the petitioner and also in view of the ***Microqual Techno Limited's case (supra)*** the present petition is

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allowed and FIR No.23 dated 22.04.2019 registered under Section 174-A IPC at Police Station Sadar Pathankot, District Pathankot and all other subsequent proceedings arising therefrom are quashed qua the petitioner.

(ARVIND SINGH SANGWAN)
JUDGE

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

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