

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

CRM-M-4043-2022 (O&M)

Date of Decision: 11.02.2022

(Heard through V.C.)

Gundeep Singh Wason @ Gurdeep Singh

...Petitioner

Versus

State of Haryana and Anr.

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Brijender Kaushik, Advocate,
for the petitioner.

Mr. Kuldeep Tewari, Addl. A. G. Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 Cr. P.C. for quashing of the impugned order dated 16.08.2021 vide which petitioner-Gundeep Singh Wason @ Gurdeep Singh has been declared proclaimed person in FIR No. 399 dated 10.12.2021 under Section 174-A IPC, registered at Police Station Sector-17, HUDA, Jagadhri, Haryana along with all subsequent proceedings emanating therefrom.

Counsel for the petitioner herein would contend that an FIR No.147, dated 27.06.2021 came to be registered at Police Station Kotkapura, under Section 22(a) of NDPS Act in which proceedings, the petitioner was summoned as an accused. He was released from custody as innocent vide order dated 20.08.2021. As the petitioner was in judicial custody, he could not put in appearance on the date fixed before the trial Court and as such, he was marked absent and ultimately declared as a

proclaimed person by the Court of Shri Udhay Partap, JMFC, Jagadhri. It is argued that his non-appearance before the trial Court was wholly inadvertent and was not deliberate. Consequently, the order dated 16.08.2021 declaring the petitioner to be a proclaimed person would not be sustainable. Pursuant to having been declared as a proclaimed person, the present FIR under Section 174- A IPC has been registered at Police Station Jagadhri.

Learned counsel would contend that during the pendency of these proceedings, on dated 11.10.2021, dispute between the parties was resolved and the statement in this regard was recorded and in pursuance thereof the complaint was ordered to be withdrawn vide order dated 11.12.2021 and as such continuation of criminal proceedings against the petitioner under Section 174-A IPC would be nothing but an abuse of process of law.

In this regard, counsel would rely upon judgment rendered by this Court in the case of ***Microqual Techno Limited and others Versus State of Haryana and another-2015(32) RCR (Criminal) 790*** which has also been followed in ***CRM-M-47891-2021 titled as Jitender Singh Versus State of Haryana and another, decided on 16.11.2021.***

Learned counsel appearing on behalf of the respondent-State is not in a position to dispute the fact that the very dispute out of which proceedings have been initiated under Section 174-A IPC stands compromised vide order dated 11.10.2021 and the main petition under Section 138 of NI Act was withdrawn on 11.12.2021.

I have heard learned counsel for the parties and have also gone through the proceedings of the case. It is not in dispute that the main petition stands withdrawn in view of the statement of the complainant vide order dated 11.12.2021. Under these circumstances, once the very petition stands withdrawn on the basis of compromise, continuation of the instant FIR under Section 174-A of IPC is nothing but an abuse of process of law. In this regard reliance can be placed upon judgment rendered by this Court in the case of Microqual Techno Limited's case (supra). Accordingly, the instant petition is allowed and the instant FIR No.399, dated 10.12.2021, registered under Section 174A IPC at Police Station Jagadhari, Haryana along with all subsequent proceedings emanating therefrom, are quashed qua the petitioner herein.

11.02.2022
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No