

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 28584-2022
Reserved on: 08.07.2022
Pronounced on:18.07.2022

Pankaj MahajanPetitioner

Vs.

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Narinder S. Lucky, Advocate for the petitioner.

Mr. Sulinder Kumar, AAG, Haryana.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
882	20.05.2019	Shivaji Nagar, Distt. Gurugram	174-A IPC

The petitioner, arraigned as accused in the above captioned FIR, has come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings in the matter, failure to appear in which case led to the accused declared a proclaimed offender and consequent registration of FIR under Section 174-A of Indian Penal Code, 1860 (IPC).

2. Pursuant to the order passed by this court in CRM-M-44813-2021 dated 28.10.2021, the petitioner appeared before the concerned court and complied with the terms and conditions of the said order.

3. Ld. Counsel appearing for the State has strenuously opposed this petition and seeks its dismissal.

ANALYSIS & REASONING

4. The petitioner states that the previous non-appearance was because he had shifted from Delhi to Chandigarh (Tri-city) and for that reasons he was not aware of the dates. He further states that now he is regularly appearing. Ld. Counsel for the petitioner states on instructions that the petitioner shall continue to appear with a single default.

5. Despite the severe opposition of the State’s counsel to this compromise, the fact remains that the proclamation order was set aside based on the pleadings of change of

residence from Delhi to Chandigarh. That being so, there would be no justification to continue the prosecution, which was to ensure the appearance of the accused in the said trial, and in my considered opinion, the continuation of the prosecution under section 174-A IPC and continuation of proceeding serves no purpose as the petitioner is continuously appearing before the trial Court except the court's time which is already under extreme stress because of never-ending and continuously increasing workload.

6. Considering the entire facts, I believe that continuing these proceedings will not suffice any fruitful purpose whatsoever. In the facts and circumstances peculiar to this case, the Court invokes the inherent jurisdiction under section 482 CrPC and quashes the FIR and all subsequent proceedings qua the petitioner. The bail bonds of the petitioner are accordingly discharges. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

18.07.2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No.