

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

207

CRM-M-34121-2021
Date of decision:03.08.2022

ANOOP GARG

...petitioner

V/S

STATE OF HARYANA

...respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr.Saransh Sabharwal, Advocate for the petitioner
Mr.Surinder Kumar Dagar, DAG Haryana

Amol Rattan Singh, J. (Oral)

By this petition, the petitioner seeks quashing of FIR no.0668, dated 14.12.2017, registered at Police Station Sector 5, District Panchkula, for the alleged commission of an offence punishable under Section 174-A of the IPC, as also all other subsequent proceedings arising therefrom.

As recorded in the order dated 25.08.2021, a gazetted officer had been directed to file a reply to the petition answering as to how two FIRs had been registered pursuant to a single order passed by the JMIC, Panchkula, on 13.11.2017; and with the reply not having been filed, the DCP Panchkula had been summoned to Court, with him having appeared on 23.02.2022.

As recorded in that order, he had stated that records were not maintained properly by one ESI Malkit Singh qua the FIR in question and an inquiry had been initiated to determine as to whether there were any extraneous reasons for him to act in that way.

Pursuant to the same order, an affidavit dated 29.03.2022 had been then filed by the DCP, which is ordered to be taken on record.

As per the said affidavit, the matter was inquired into and for the lapses on the part of ESI Malkit Singh and HC Rakesh Kumar, they have been proceeded against departmentally and a punishment of stoppage of two annual increments with temporary effect have been imposed upon them, with a warning to remain careful in nature.

In any case, it is not denied even by learned State counsel today, that in fact two FIRs were registered instead of one. Learned counsel for the petitioner submits that though the FIR in question in the present petition was registered prior in time to FIR no.154 dated 09.03.2018, at the same police station, however, the petitioner had already been admitted to bail in the context to that FIR by the trial Court itself and the proceedings in that case are still ongoing, for the alleged commission of an offence punishable under Section 174-A of the IPC.

That being so, obviously two FIRs cannot be allowed to continue on the same cause of action and though the FIR as is subject matter of this petition was registered prior in time, but with the second FIR now being pursued by the respondents, without making any comment on the actual merits of the case, which would be seen in the proceedings initiated in the context of that FIR, this petition is allowed and FIR no.0668, dated 14.12.2017, registered at Police Station Sector 5, District Panchkula, for the alleged commission of an offence punishable under Section 174-A of the IPC, along with all proceedings emanating therefrom, is hereby quashed.

(AMOL RATTAN SINGH)
JUDGE

03.08.2022

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No