

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 38346-2022
Reserved on: 13.09.2022
Pronounced on: 15.09.2022
.....Petitioners

Sandeep Jain and another

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aditya Jain, Advocate for the petitioners.

Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA J.

Aggrieved by the portion of order dated 20.08.2019, wherein the concerned JMIC had directed the SHO of the concerned police station for registration of FIR under Section 174A IPC, the petitioners have come up before this Court.

In the nutshell, due to default in appearance, the petitioner was declared a proclaimed offender and after that, the concerned Court ordered for registration of the FIR under Section 174-A IPC.

The petitioners' claim is that after this order, the petitioners had surrendered before the concerned trial Court on 21/22.07.2022 and after that they were admitted to bail. Consequently, the purpose has been achieved and there is no justification to register the FIR.

On the face of it, this argument appears convincing but instead of seeking quashing of FIR, the petitioner has preferred to seek quashing of the portion of the order which directed the registration of the FIR.

Needless to say that such order was passed wayback in 20.08.2019 and there is no reason that FIR would not have been registered. Thus an appropriate remedy for the petitioners was to seek quashing of the FIR and not to seek the quashing of the order.

However, the petition is **disposed of** with the observation that the petitioners are at liberty to file a petition seeking quashing of the FIR in case it has been registered and if the FIR has yet not been registered then at this stage prosecution is not correct and state is required not to register FIR at this stage.

Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

15.09.2022
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.