

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39187-2022

Date of decision : 30.11.2022

Sardool Singh

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :-Mr. Raman Mohinder Sharma, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

PANKAJ JAIN, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0204 dated 20.07.2020, registered for offence punishable under Section 174-A of IPC, at Police Station Naraingarh, District Ambala.

2. On 31.08.2022, while issuing notice of motion, the following order was passed:-

“Counsel for the petitioner *inter alia* contends that the impugned FIR under Section 174-A of IPC was registered owing to absence of the petitioner in proceedings arising out of FIR No.33 dated 31.01.2017 for the offences punishable under Sections 323, 427, 452, 506 and 34 IPC.

While referring to judgment of acquittal dated 10.09.2021 in the said FIR No.33 dated 31.01.2017 (*supra*), counsel for the petitioner submits that the petitioner appeared before the trial Court and was

admitted to bail.

Submission is that owing to the fact that the absence of the petitioner stands condoned and he was admitted to bail in the main offence, the present proceedings under Section 174-A of IPC cannot be allowed to continue.

Notice of motion for 18.10.2022.”

3. State counsel does not dispute the factual assertions as noticed in the aforesaid order. Thus, it is clear that the main proceedings arising out of FIR No.33 dated 31.01.2017, registered for offences punishable under Sections 323/427/452/506/34 of IPC, at Police Station Naraingarh, District Ambala stand concluded resulting in the judgment of acquittal.

4. In view of the aforesaid fact, the question as to whether proceedings under Section 174-A IPC can be allowed to continue once the main trial stands concluded is no more *res integra* and has been answered by Co-ordinate Bench of this Court in **CRM-M-43813- 2018** titled as **“Baldev Chand Bansal Vs. State of Haryana and another”** vide order dated 29.01.2019, which held as under:

“Prayer in this petition is for quashing of FIR No.64 dated 15.02.2017 filed under Section 174-A of the Indian Penal Code registered at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof as well as order dated 24.10.2016 passed by the trial Court vide which a direction was issued to register the aforesaid FIR.”

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*Learned counsel for the petitioner has relied upon the decisions rendered by this Court in “**Vikas***

Sharma vs. Gurpreet Singh Kohli and another (supra), 2017, (3) L.A.R.584, Microqual Techno Limited and others Vs. State of Haryana and another, 2015 (32) RCR (Crl.) 790 and “Rajneesh Khanna Vs. State of Haryana and another” 2017 (3) L.A.R. 555 wherein in an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the process of law.

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In view of the same, I find merit in the present petition and accordingly, present petition is allowed and the impugned order dated 24.10.2016 passed by Judicial Magistrate, 1st Class, Panchkula as well as FIR No.64 dated 15.02.2017 registered under Section 174-A of the Indian Penal Code at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof, are hereby quashed.”

5. Same is the view of another Co-ordinate Bench in the **“Ashok Madaan vs. State of Haryana and another” reported as 2020 (4) RCR (Criminal) 87**, wherein it has been held that:

“No doubt, the learned counsel for the respondent has vehemently argued that the offence under Section 174-A I.P.C. is independent of the main case, therefore, merely because the main case has been dismissed for want of prosecution, the present petition cannot be allowed, however, keeping in view the fact that the present FIR was registered only on account of absence from the proceedings in the main

case which had been subsequently regularised by the court while granting bail to the petitioner, the default stood condoned. In such circumstances, continuation of proceedings under Section 174A I.P.C. shall be abuse of the process of court.

7. Accordingly, the petition is allowed. FIR No. 446 dated 21.08.2017, registered under Section 174A I.P.C. at Police Station Kotwali, District Faridabad, as well as consequential proceedings shall stand quashed.”

6. Keeping in view the facts and circumstances of the present case and in view of the principles settled by this Court, the present petition is allowed. FIR No.0204 dated 20.07.2020, registered for offence punishable under Section 174-A of IPC, at Police Station Naraingarh, District Ambala is hereby quashed qua the petitioner.

(PANKAJ JAIN)
JUDGE

30.11.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No