

S.No.236

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

CRM-M-45766 of 2021 (O&M)

Date of Decision:10.01.2022

Ranjit Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Vikas Bali, Advocate for the petitioner.
Mr. Sukhbeer Singh, AAG, Punjab.
Mr. Bhisham Kumar Majoka, Advocate
for respondents No.2 and 3.

(Through Video Conferencing)

VIKAS BAHL, J.

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.96 dated 12.06.2021 registered under Section 174-A IPC at Police Station Doraha, Police Station Khanna, District Ludhiana along with all subsequent proceedings in the interest of justice.

Learned counsel for the petitioner submits that FIR No.98 dated 04.06.2017 was registered under Sections 323, 341, 506, 34 IPC at Police Station Doraha, Police District Khanna, District Ludhiana against the present petition and the other co-accused. It is further submitted that in the said proceedings, the petitioner was declared as proclaimed person vide order dated 24.05.2019 along with other co-accused. On account of being declared as proclaimed person, the present FIR No.96 dated 12.06.2021 was registered against the petitioner. It is further submitted that after the registration of the said FIR, the matter has been compromised between the petitioner and respondents No.2 and 3 and the petitioner filed the petition under Section 482 Cr.P.C., i.e. CRM-M-45012 of 2021 for quashing of the

FIR on the basis of the compromise and in the said petition, report of the Judicial Magistrate Ist Class was called and as per the report, compromise between the petitioner and respondents No.2 and 3 has been found to be genuine and bonafide and, thus, CRM-M-45012 of 2021 has been allowed by an order of even date and, accordingly, the FIR No.98 dated 04.06.2017 has been quashed. It is further submitted that the matter has been amicably resolved. No purpose would be served to keep the present petition filed under Section 174-A IPC alive. It is also submitted that even against order dated 24.05.2019 declaring the petitioner as proclaimed person, a quashing petition under Section 482 Cr.P.C, i.e. CRM-M-45493 of 2021 was filed which has also been allowed by an order of even date.

Learned counsel appearing for respondents No.2 and 3 has reiterated the fact that the matter has been compromised and has also prayed that the present petition be allowed and the FIR in question be quashed.

Learned State Counsel opposed the present petition but could not dispute the factum of compromise and the fact that the FIR No.98 dated 04.06.2017 as well as the order declaring the petitioner as proclaimed person have been set aside.

This Court has heard the learned counsel for the parties and has perused the file. It is not in dispute that the present FIR under Section 174-A has been registered on account of the order dated 24.05.2019 passed by the Sub Divisional Judicial Magistrate, Payal due to the fact that the petitioner could not appear in the proceedings in FIR No.98 dated 04.06.2017. It is not in dispute that the FIR No.98 dated 04.06.2017 has been quashed on the basis of the compromise by an order of even date passed in CRM-M-45012 of 2021. It is also not in dispute that even the

order dated 24.05.2019 declaring the petitioner to be proclaimed offender has also been quashed by an order of even date passed in CRM-M-45493 of 2021.

A co-ordinate Bench of this Court in **CRM-M-43813-2018** titled as **“Baldev Chand Bansal vs. State of Haryana and another”**, decided on 29.01.2019 has 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, Ist 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.”

A perusal of the above judgment would show that in a similar case where the FIR had been registered under Section 174-A of the IPC in view of the order passed in the proceedings under Section 138 of the Act of 1881, while declaring the petitioner therein as proclaimed offender, a co-ordinate Bench after relying upon various judgments observed that once the main petition under Section 138 of the Act of 1881 stands withdrawn in view of an amicable settlement between the parties, the continuations of proceedings under Section 174-A of the IPC is nothing but an abuse of the process of law. The said aspect was one of the main consideration for allowing the petition and setting aside the order declaring the petitioner therein as a proclaimed person as well as quashing of the FIR under Section 174-A of the IPC.

Keeping in view the above-said facts and circumstances, noticing the fact that qua the FIR No.98 dated 04.06.2017, the matter has already been compromised and the FIR has been quashed on the basis of the compromise and even an order declaring the petitioner to be proclaimed offender dated 24.05.2019 has also been set aside and also in view of the

judgment passed by the co-ordinate Bench of this Court in Baldev Chand Bansal's case (supra), the present petition is allowed and FIR No.96 dated 12.06.2021 registered under Section 174-A IPC at Police Station Doraha, Police Station Khanna, District Ludhiana along with all subsequent proceedings, are ordered to be quashed, qua the petitioner.

January 10, 2022

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Whether Speaking/reasoned

Whether Reportable

(VIKAS BAHL)

JUDGE

Yes/No

Yes/No