

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-19276-2018(O&M)
Date of decision: 10.10.2023

Balkar Singh
....Petitioner

Versus

State of Punjab and another
...Respondents

CRM-M-12265-2023(O&M)

Jarnail Singh
....Petitioner

Versus

State of Punjab and another
...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. S. P. Soi, Advocate for the petitioners

Mr. H. S. Sullar, Sr. DAG, Punjab

AMAN CHAUDHARY. J.

1. The present petitions have been filed under Section 482 Cr.P.C. for quashing of FIR No. 113 dated 09.06.2009, registered under Section 174-A IPC, at Police Station Shahkot, District Jalandhar.
2. Learned counsel contends that the petitioners, who were residing abroad, were declared proclaimed offenders, without complying with the provisions of Sections 82 and 105 Cr.P.C., which upon challenge before this Court and having been directed to surrender before the trial Court, they were granted

regular bail. The other co-accused involved in the FIR had faced trial and were acquitted by the trial Court vide judgment dated 01.11.2013, on the ground that the prosecution had failed to establish the very basis of that case. This Court accepting the submissions of the petitioners made in the petition seeking quashing of the FIR, on the ground that the evidence against them and their co-accused, who were acquitted, being the same, quashed it qua them as well vide order dated 23.03.2023. Thus, the submission made is that continuation of the present proceedings would amount to abuse of process of Court.

3. Learned State counsel submits that the petitioners were rightly declared proclaimed persons, as they did not cause appearance before the trial Court, on account of which the present FIR was lodged against them.

4. Heard.

5. The FIR was registered under Section 174A IPC against the petitioners as a consequence of they having been declared proclaimed person, the basis whereof was their absence from the proceedings pending before the Court, which had been conducted without compliance of the mandatory provisions of Section 82 and 105 CrPC. Subsequently they joined the proceedings in terms of direction passed by this Court. The concession of regular bail was granted to them by the trial Court. The FIR, wherein they were declared proclaimed persons, itself stands quashed by this Court. All these can be factored to conclude that the very purpose of initiation of proclamation proceedings, that was to compel and secure their presence to face the trial and establish the rule of law, so as to ensure finalization of the proceedings, stood nonetheless achieved.

6. This Court, considering the aforesaid peculiar facts and

circumstances of the case, finds that continuation with the proceedings in question would amount to an abuse of the process of the Court, thus, in light of the judgment in **Ramesh Chandra vs. State of U.P.**, 2022 SCC OnLine SC 1634, the FIR is liable to be quashed, in exercise of power under Section 482 CrPC.

7. Accordingly, the present petitions are allowed. FIR No. 113 dated 09.06.2009, registered under Section 174-A IPC, at Police Station Shahkot, District Jalandhar is hereby quashed qua both the petitioner.

8. A photocopy of this order be placed on the file of another connected case.

10.10.2023
Mehak

(AMAN CHAUDHARY)
JUDGE

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