

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

CRM-M-21523 of 2019
DATE OF DECISION :- 21.09.2023

Shri Girimon P.T.

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-21524 of 2019

Shri Girimon P.T.

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Ankur Bansal, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Krishan Sharma, Advocate for the complainant.

PANKAJ JAIN, J. (Oral)

By way of present order this Court intends to dispose of two petitions i.e. CRM-M-21523 of 2019 and CRM-M-21524 of 2019.

2. The prayer in the aforesaid petitions is for quashing of two FIRs i.e. FIR No.138 dated 26.2.2018, registered for the offence punishable under Section 174-A of the Indian Penal Code, Police Station Surajkund, Faridabad and FIR No.276 dated 28.4.2018, registered for the offence punishable under Section 174-A of the Indian Penal Code, Police Station Surajkund, Faridabad.

3. Learned counsel for the petitioner has produced copy of the following judgments passed by Judicial Magistrate First Class, Faridabad to illustrate that the petitioner having been declared proclaimed offender appeared before the trial Court was admitted to bail and earned acquittal :-

1. *Sonender Kumar versus M/s Cogent Enterprises Limited and another NACT/247/2017 decided on 24.5.2023.*
2. *Sonender Kumar versus Giri Mon P.T. C/o Mystica resort NACT/5143/2016 decided on 27.9.2019.*

4. Learned counsel submits that once the petitioner has earned acquittal after facing trial, proceedings under Section 174-A which came into being for the reason that petitioner was declared proclaimed offender cannot be allowed to continue and the same amounts to abuse of process of law.

5. The aforesaid fact could not be disputed by counsel representing the complainant.

6. The question as to whether proceedings under Section 174-A can survive after the proceedings in the principal offence have attained finality is no more res-integra and has been answered by the Coordinate Bench 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

the *aforesaid* *FIR.”*

xx *xxx* *xxxx*
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.

xx xxx xxxx
*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.”*

7. 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.”

8. 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.138 dated 26.2.2018, registered for the offence punishable under Section 174-A of the Indian Penal Code, Police Station Surajkund, Faridabad and FIR No.276 dated 28.4.2018, registered for the offence punishable under Section 174-A of the Indian Penal Code, Police Station Surajkund, Faridabad are hereby quashed qua the petitioner.

(PANKAJ JAIN)
JUDGE

21.09.2023
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No