

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

Sr. No.203-a

CRM-M-41142-2020

Date of Decision : February 09, 2023

Balwant Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Suresh Kumar Kaushik, Advocate, for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Deepak Jindal, Advocate, for the complainant.

SUDHIR MITTAL, J. (ORAL)

This petition has been filed for quashing of FIR No.735, dated 31.10.2019, registered at Police Station Model Town Rewari, District Rewari, under Section 174-A IPC.

Learned counsel for the petitioner has submitted that the aforementioned FIR was registered against the petitioner on account of him having been declared as a proclaimed person by the trial Court in a complaint filed under Section 138 of the Negotiable Instruments Act, 1881. The said order has been quashed by this Court vide order dated 09.02.2023 passed in CRM-M-7760-2020 and thus, the FIR aforementioned also deserves to be quashed.

Learned counsel for the complainant submits that the petitioner was rightfully declared as proclaimed person. He avoided appearing before the trial Court despite service and thus, registration of the FIR aforementioned was a necessary consequence. It does not deserve to be quashed.

The order by which the petitioner was declared as proclaimed person has been quashed by this Court and there is no dispute regarding the same. This means that this Court has found the said order to be illegal. Consequently, the argument based on the validity thereof is not sustainable in law. Aforementioned FIR has been registered only on account of the petitioner having been declared a proclaimed person. Once the said order has been found to be illegal and has been quashed, the FIR aforementioned also deserves to be quashed as otherwise it would amount to oppressive action against the petitioner.

The petition is accordingly allowed and FIR No. 735, dated 31.10.2019, registered at Police Station Model Town Rewari, District Rewari, under Section 174-A IPC is quashed.

February 09, 2023
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No