

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

266

CRM-M-45270-2023 (O&M)

Date of decision: 20.09.2023

Nirmal Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sachin Kalia, Advocate for the petitioner

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

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.82 dated 07.11.2020, registered under Section 174-A IPC, at Police Station Sadar Kurali, District SAS Nagar and all consequential proceedings flowing therefrom, as the petitioner has already been acquitted in the main FIR No.22 dated 03.04.2019, registered under Sections 323, 325, 294, 506 and 34 IPC, at Police Station Sadar Kurali, District SAS Nagar, vide order dated 10.10.2022 (Annexure P-3).

2. Learned counsel contends that the petitioner was residing in Dubai and got declared proclaimed person vide order dated 02.11.2020 without compliance of the mandatory provisions of Sections 82 and 105 CrPC. He was subsequently granted regular bail by the trial Court vide order dated 05.04.2022, Annexure P-5. Thereafter, he participated in the trial of the main FIR dated

03.04.2019 and was finally acquitted vide judgment dated 10.10.2022, Annexure P-3, which was not challenged further and has thus attained finality. The FIR under Section 174-A IPC was registered on 07.11.2020, as per the directions passed by the trial Court vide order dated 02.11.2020, Annexure P-4, whereby he had been declared proclaimed person.

3. Learned State counsel submits that the petitioner was rightly declared proclaimed person, as he did not cause appearance before the trial Court, for which the present FIR was lodged against him. However, he is unable to deny the acquittal of the petitioner in the main case.

4. Heard.

5. The FIR was registered under Section 174A IPC against the petitioner as a consequence of he having been declared a proclaimed person, the basis whereof was his absence from the proceedings pending before the Court. Subsequently he having joined the proceedings; the Court extending him the concession of regular bail and he being acquitted by the trial Court, can all be factored to conclude that the very purpose of initiation of proclamation proceedings, that was to compel and secure his presence to face the trial and establish the rule of law, so as to ensure finalization of the proceedings, stood nonetheless achieved.

6. Considering the peculiar facts and circumstances of the case in light of the law laid down by Hon'ble The Supreme Court in **Jugesh Sehgal vs. Shamsher Singh Gogi**, (2009) 14 SCC 683, the impugned FIR being an abuse of the process of law is liable to be quashed in exercise of the powers of this Court under Section 482 CrPC.

7. Accordingly, the present petition is allowed. The FIR No.82 dated 07.11.2020, registered under Section 174-A IPC, at Police Station Sadar Kurali, District SAS Nagar alongwith the consequential proceedings arising therefrom is hereby quashed.

(AMAN CHAUDHARY)
JUDGE

September 20, 2023
M.Kamra

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