

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

203

CRM-M-57569-2022

Date of Decision: 24.04.2023

Parvesh

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Harish Bhardwaj, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

1. Reply dated 16.03.2023, filed by way of affidavit of Sh. Mukesh Kumar, Assistant Commissioner of Police, Gohana, Sonipat-I, on behalf of respondent-State, is taken on record.

2. Petitioner has filed the present petition under Section 482 Cr.P.C. for quashing FIR No. 0339 dated 27.08.2021 (Annexure P-5) registered under Section 174-A IPC at Police Station City Baroda, Gohana, District Sonipat and order dated 05.10.2021 (Annexure P-6) whereby the petitioner was charge-sheeted under Section 174-A IPC as well as all subsequent proceedings arising therefrom.

3. Briefly, the aforesaid FIR has cropped up from the proceedings in case FIR No. 53 dated 12.02.2015, registered against the petitioner and his co-accused under Sections 147, 149 and 283 IPC at Police Station Baroda, Gohana, wherein the petitioner along with his co-accused was declared as proclaimed person vide order dated 23.03.2017 (Annexure P-3). Thereafter, the petitioner along with his

co-accused were arrested and released on bail by the trial Court vide order dated 29.08.2021 (Annexure P-8). However, after holding full fledged trial, the petitioner along with his co-accused was acquitted by the trial Court (in case FIR No. 53 dated 12.03.2015), vide order dated 09.03.2022 (Annexure P-4). Hence, the present petition.

4. Learned counsel, *inter alia*, contends that the petitioner who is a practising advocate, had falsely been implicated in case FIR No. 53 dated 12.03.2015, registered under Sections 147, 149 and 283 IPC at Police Station Baroda, Gohana and during trial in the said FIR he was declared as proclaimed person vide order dated 23.03.2017 (Annexure P-3), following which the impugned FIR (Annexure P-5) was registered against him. He further contends that since, vide judgment dated 09.03.2022 (Annexure P-4), the petitioner along with his co-accused was acquitted by the trial Court in case FIR No. 53 dated 12.03.2015, therefore, continuing with the proceedings in the impugned FIR (Annexure P-5), would be nothing but an abuse of the process of Court.

5. On the other hand, learned counsel for the State vehemently opposed the present petition and submitted that the petitioner has rightly been declared as proclaimed person by the trial Court.

6. I have heard learned counsel for the parties and has perused the paper-book.

7. It is not in dispute that petitioner was declared as proclaimed person in case FIR No. 53 dated 12.03.2015, vide order dated 23.03.2017 (Annexure P-3) and directions were issued to register FIR against him under Section 174-A IPC. It is also not disputed that the petitioner along

with his co-accused was acquitted by the trial Court in case FIR No. 53 dated 12.03.2015, vide order dated 09.03.2022 (Annexure P-4). Since, in the main case i.e. FIR No. 53 dated 12.03.2015, the petitioner along with his co-accused stood acquitted by the trial Court vide judgment dated 09.03.2022 (Annexure P-4), therefore, continuation of the proceedings under Section 174A IPC would be nothing but an abuse of the process of law.

8. In view of the above, I find merit in the present petition and accordingly, the present petition is allowed and the impugned FIR No. 0339 dated 27.08.2021 (Annexure P-5) registered under Section 174-A IPC at Police Station City Baroda, Gohana, District Sonipat as well as order dated 05.10.2021 (Annexure P-6) and all other subsequent proceedings arising therefrom are hereby quashed qua the petitioner, only.

9. Disposed of, accordingly.

24.04.2023

rishu

**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No