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

**CRM-M-51049-2019
Date of decision : 06.07.2023**

Mohmmad Hanif Attari

....Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Gurpreet Singh, Advocate for
Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

By way of present petition filed under Section 482 Cr.P.C. , the petitioner is seeking quashing of FIR No.828, dated 12.10.2018 registered for the offence punishable under Section 174-A IPC, at Police Station Shivaji Nagar, District Gurugram (Annexure P-2) which came into being after the petitioner was declared Proclaimed Offender in the proceedings against him in FIR No.425 dated 17th of November, 2017 registered for the offences punishable under Sections 63 of Copy Right Act, 120-B, 420 of the IPC (Sections 177, 180, 467, 468, 471 IPC, 66-D IT Act added later on), at Police Station Sector 17/18, District Gurugram.

2. It is not in dispute that an application was moved by the prosecution agency in FIR No.425 of 2017 *ibid* that the petitioner has been

found to be not involved in the said case and on the basis thereof he was ordered to be discharged vide order dated 11th of October, 2019.

3. In view the fact that after the principle proceedings in which the petitioner was declared Proclaimed Offender stand concluded, the question would arise is : *'whether in the given circumstances, proceedings under Section 174-A of the IPC pursuant to FIR No.425 dated 17th of November, 2017 can be allowed to continue'?*

4. The question framed *ibid* is no more *res integra* and already stands answered by Co-ordinate Bench of this Court 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 aforesaid FIR.”

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*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.

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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."

5. 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.”

6. 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.828, dated 12.10.2018 registered for the offence punishable under Section 174-A IPC, at Police Station Shivaji Nagar, District Gurugram (Annexure P-2) and all proceedings subsequent thereto, are hereby quashed *qua* the present petitioner.

July 06, 2023
Dpr (PANKAJ JAIN)
JUDGE

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