

Rakesh Kumar Gupta ...Petitioner

State of Punjab and another ...Respondents

Mr. Mohit Thakur, AAG, Punjab.

Allowed as prayed for.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.80 dated 19.09.2016 under Section 174-A of IPC registered at Police Station Kanwa, District Pathankot (Annexure P-3) and all consequential proceedings arising therefrom, which is an outcome of FIR No.62 dated 14.07.2012 under Sections 406/498-A/420/34 of IPC registered at Police Station Kanwa District Pathankot (Annexure P-1) since the latter has already been quashed by this Court vide order dated 08.02.2018 (Annexure P-6) passed in CRM-M-41457-2015 titled as 'Rakesh Kumar Gupta Vs. State of Punjab and another'.

permanent resident of England and service could not be effected upon him and

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for that reason, proceedings under Section 174-A IPC were initiated and FIR No.80 dated 19.09.2016 was registered.

He further submits that the main dispute which was under Sections 406/498-A/420/34 of IPC, out of which, proceedings under Section 174-A of IPC have been emerged, had already been quashed by this Court vide order dated 08.02.2018 (Annexure P-6) passed in CRM-M-41457-2015 (O&M) titled as 'Rakesh Kumar Gupta Vs. State of Punjab and another'.

He submits that once the original proceedings have come to an end, therefore, the present proceedings under Section 174-A of IPC arising out of the original proceedings, should also come to an end.

Per contra, the learned State counsel admits that the original proceedings have been quashed by this Court vide order dated 08.02.2018 (Annexure P-6) and does not object to the quashing of the instant FIR.

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the primary proceedings have been quashed by this Court vide order dated 08.02.2018 passed in CRM-M-41457-2015 titled as 'Rakesh Kumar Gupta Vs. State of Punjab and another.' Consequently, no fruitful purpose would be served in continuing the proceedings under Section 174-A of IPC.

A Coordinate Bench of this Court in **Vikas Gupta vs. State of Haryana and others**, while quashing the FIR under Section 174-A of the IPC in **CRM-M-19636-2018** decided on 01.08.2018 has observed the following:-

“The ultimate aim, objective and goal of a legal system is to reconcile the social conflicts. Law is required only to ensure that people do not have to fight with each other just to protect their right to property, right to life and

liberty and other rights secured to them by the legal system. The civil disputes are the conflicts between two parties, having lesser overtones for the social order, social harmony or the society as such. Hence absolute freedom is given to the parties to settle their disputes by compromises, of course, coming with certain legal consequences as well. However, the criminal disputes do not necessarily restrict themselves to only two parties to the dispute in terms of their scope, consequences and effect. The criminal acts tend to cast their effect and consequences even upon the society at large. Therefore, the law prescribes punishment, severe punishments and the extreme punishments, including death penalty for criminal acts.”

In view of the discussion above, the present petition is allowed and the impugned FIR No.80 dated 19.09.2016 under Section 174-A of IPC registered at Police Station Kanwa, District Pathankot (Annexure P-3) and all subsequent proceedings arising therefrom, are hereby quashed.

(HARPREET SINGH BRAR)
JUDGE

25.01.2024
Neha

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