

125 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2723-2024
Date of decision: 19.01.2024

GOPAL @ GOPAL CHAND

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Surinder Kaur Mamli, Advocate for
Mr. Bhavdeep Singh Mamli, Advocate for the petitioner.

SANDEEP MOUDGIL,J. (ORAL)

1. Petitioner has sought quashing of complaint i.e. NACT/727/2020 along with the order dated 18.11.2022 (Annexure P-1) vide which he has been declared as proclaimed offender and in pursuant to which FIR No.700, dated 21.12.2022 (Annexure P-2) has been lodged under Section 174-A IPC, registered at Police Station City Fatehabad, be also quashed.

2. Learned counsel appearing on behalf of the petitioner *inter alia* contends that earlier the matter was compromised between the parties on 18.11.2022 but respondent No.2 withdrew the said complaint on 21.12.2022 and he was under the impression that the main complaint has been withdrawn by the complainant on 18.11.2022 only and on that account, the petitioner did not appeared before the Court, assuming that the matter stands compromise but the trial Court has declared the petitioner as proclaimed offender on 18.11.2022 on account of his non-appearance.

3. She also informs the Court that still compromise is in-existence and there is every livelihood that the matter will be settled and accordingly, the

facing harassment and will not be in a position to put appearance before the trial Court for which he prays for protection at this stage.

4. Notice of motion.

5. On asking of the Court, Mr. Gurbir Singh Dhillon, AAG, Haryana, accepts notice on behalf of the respondent-State.

6. Considering the fact that the matter has already been compromised, as has been stated in the present petitioner and complaint already stands withdrawn on 21.12.2022 (Annexure P-3), therefore, no fruitful purpose would be served by continuation of proceedings in the present FIR under Section 174-A IPC.

7. Further, reliance can be placed upon the orders dated 20.07.2022 and 24.08.2022 respectively, passed by a coordinate Bench of this Court in CRM-M-46062-2017, titled as ***“Jatin Dhawan and another versus State of Haryana and another”*** and CRM-M-12534-2022, titled as ***“Krishan Kumar versus State of Haryana and another”***, wherein it has been held that once the main case is dismissed as withdrawn the continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.

8. Another Co-ordinate Bench of this Court in a case titled as ***“Ashok Madan Vs. State of Haryana and another” reported as 2020 (4) RCR (Criminal) 87*** has also held as under:-

“No doubt, the learned counsel for the respondent has vehemently agrued that the offence under Section 174A 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 174-A 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.”

9. In view of the aforesaid judgments and the observations made hereinabove, this Court is of the considered view that the pendency of such proceedings would render the proceedings absolutely useless as the petitioner is not going to be convicted and continuation of the same would only be a waste of time for the Courts below but will be patent abuse of process of law.

10. Hence, complaint i.e. NACT/727/2020 along with the order dated 18.11.2022 (Annexure P-1) vide which the petitioner has been declared as proclaimed offender and in pursuant to which FIR No.700, dated 21.12.2022 (Annexure P-2) has been lodged under Section 174-A IPC, registered at Police Station City Fatehabad, are hereby quashed with all the consequential proceedings arising therefrom.

11. The present petition is, therefore, allowed.

19.01.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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