

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214-1

CRM-M-3532-2024

Date of decision:06.03.2024

Beant Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Bhanu Pratap Singh, Advocate for the petitioner.
Mr. Anup Singh AAG Punjab.
Mr. Mohit Thakur, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Cr.P.C. seeking quashing of FIR No.70 dated 12.07.2023 registered at Police Station Maloud, District Khanna (Annexure P-12) under Section 174-A of IPC.
2. Today, learned counsel for the petitioner has submitted that the main complaint in question i.e. complaint bearing No.COMA No.168 of 2016 filed under Section 406, 498-A and 323 read with Section 34 IPC has been dismissed as withdrawn (as having been compromised between the parties) vide order dated 26.02.2024 passed by Judicial Magistrate Ist Class, Payal, District Ludhiana, Punjab.
3. Learned counsel for the complainant does not controvert the aforesaid statement.
4. Heard learned counsel for the parties.
5. It would be apposite to refer herein to a judgment of this Court passed in **CRM-M-51049-2019** titled as **Mohmmad Hanif Attari vs. State of Haryana**, decided on 06.07.2023; relevant whereof reads as under:-

“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 174A 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 v. 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 174A 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 v. Gurpreet Singh Kohli and another (supra)*, 2017, (3) L.A.R.584, *Microqual Techno Limited and others v. State of Haryana and another*, 2015 (32) RCR (Criminal) 790 and "*Rajneesh Khanna v. 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 174A 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 v. 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 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 174A LP.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 entirety of facts and circumstances of the case, no useful purpose would be served by continuation of the proceedings in the impugned FIR i.e. FIR No.70 dated 12.07.2023 registered at Police Station Maloud, District Khanna (Annexure P-12) under Section 174-A of IPC. Accordingly, the impugned FIR is quashed.
7. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 06, 2024
Ajay

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