

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

255B

**CRM-M-5209 of 2022
DATE OF DECISION :- 18.04.2024**

Anwar Nahal and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Vikas Bali, Advocate for the petitioners.

Ms. Ravisha Mahajan, Advocate for respondent No. 2.

Mr. Yuvraj Singh Tiwana, AAG, Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Cr.P.C. seeking quashing of FIR No.24 dated 15.03.2019 registered at Police Station Women Cell, Jalandhar City under Section 174-A of IPC and all other consequential proceedings arising therefrom.

2. Vide order of even date i.e. 18.04.2024 passed in CRM-M-5808-2022, the FIR stands quashed in view of the compromise effected between the parties and the compromise petition stands allowed.

3. 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 L.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."

4. 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 No.24 dated 15.03.2019 registered at Police Station Women Cell, Jalandhar City under Section 174-A of IPC. Accordingly, the impugned FIR and the impugned order dated 27.01.2021 passed by the

Judicial Magistrate First Class-3, Jalandhar (Annexure P-9) are hereby
quashed qua the petitioners.

5. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

18.04.2024
P.Singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No