

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7061-2023 (O&M)
DECIDED ON: 07.02.2024

GURPREET SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. A.S. Sandhu Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. This is a petition under Section 482 of Cr.P.C., for quashing the FIR No.0001 dated 28.02.2020, registered at Police Station Women, District S.A.S Nagar, Mohali, under Section 174-A of IPC (Annexure P-1) alongwith all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner submits that the present FIR came to be registered in pursuance to the FIR No.3 dated 05.02.2019 under section 409,498-A filed against the petitioner and due to his non appearance before the trial court the petitioner was declared proclaimed offender vide order dated 3.12.2019.

3. He further states that the petitioner has filed the quashing of the FIR on the basis of Compromise in the above stated FIR vide CRM-M 31796-2021 whereby the High Court has allowed the quashing of the FIR vide order dated 17.08.2022.

4.. In view of the submissions made by learned counsel for the petitioner that the main FIR no.0003 dated 05.02.2019 in pursuant to which FIR no.0001 dated 28.02.2020 was registered stands quashed by the High Court in view of the compromise effected between the parties vide order dated 17.08.2022 therefore, continuation of proceedings under Section 174-A of IPC would be abuse of process of law. Also, this principle has been laid down in several dictums of this Court and reliance can be placed upon **CRM-M. no.19639 of 2018** whereby the coordinate bench of this court has observed that once the main FIR has already been compromised between the parties and is not going to proceed further therefore it would not be justified to make the petitioner face the trial for an offence under section 174-A of IPC.

5. 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 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 174-A I.P.C. Shall be abuse of the process of court.

Accordingly, the petition is allowed. FIR No.446 dated 21.08.2017, registered under Section 174-A I.P.C. At Police

Station Kotwali, District Faridabad, as well as consequential proceedings shall stand quashed.”

6. A perusal of the relevant extract of the above judgment would show that where the main case was dismissed for want of prosecution, it was observed that the continuation of proceedings under Section 174-A of the IPC shall be an abuse of the process of court.

7. Since the main FIR stands quashed by the High Court by the order dated 17.08.2022, no useful purpose would be served by continuing the proceedings under section 174-A of IPC and as the same is personal in nature not against the society at large, who have resolved their dispute.

8. Keeping in view the above-said facts and circumstances, the present petition is allowed and FIR No.0001 dated 28.02.2020, registered at Police Station Women, District S.A.S Nagar Mohali under Section 174-A of IPC (Annexure P-1) is quashed alongwith all consequential proceedings arising therefrom.

9. Accordingly, the present petition stands disposed off.

07.02.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>