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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12887-2024 (O&M)
Date of decision: 09.04.2024

Maninder Kaur ...Petitioner

Versus

State of Punjab and Another ...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. A.S. Barnala, Advocate for the applicant-petitioner.

KARAMJIT SINGH, J. (ORAL)

CRM-14599-2024

1. Allowed as prayed for.
2. Copies of various zimni orders (Annexure P-7 collectively) are taken on record.

CRM-M-12887-2024

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C. for quashing of FIR No.13 dated 20.02.2020 registered under Sections 174-A IPC registered at Police Station Sehna District Barnala.
2. The counsel for the petitioner submits that FIR No.46 dated 01.10.2016 under Section 420, 120-B IPC was registered at Police Station Sehna, District Barnala (Annexure P-1) against petitioner and other accused persons by Gursharanjit Singh. At the relevant time, petitioner was in foreign country and thus, was unable to appear before the trial Court and

consequently, petitioner was declared as proclaimed person by the Court concerned vide order dated 11.12.2018 Annexure P-5 and resultantly, impugned FIR Annexure P-6 was also registered against the petitioner under Section 174-A IPC. The counsel for the petitioner further submits that no notice, summons or warrants were received by the petitioner through embassy of India located in concerned foreign country and thus, order dated 11.12.2018 Annexure P-5 and impugned FIR Annexure P-6 are not sustainable and deserve to be quashed. In support of his contentions, the counsel for the petitioner has placed reliance on decision of this Court in ***Jagjit Singh and others Vs. State of Punjab 2022 (4) RCR Criminal 241.***

3. The counsel for the petitioner further submits that main case having FIR Annexure P-1 is already quashed vide order dated 06.04.2022 Annexure P-2, by this Court. It is further submitted that impugned FIR Annexure P-6 being off shoot of the aforesaid main case is not sustainable, the reason being the main FIR Annexure P-1 has been quashed.

4. Notice of motion.

5. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of respondent No.1 and submits that no ground is made out to quash impugned FIR Annexure P-6, even if, the main case having FIR Annexure P-1 is already quashed.

6. I have considered the submissions made by counsel for the parties.

7. From the perusal of Annexure P-2, it is clear that main dispute between the parties has already been resolved, inasmuch as main FIR Annexure P-1 has been quashed on the basis of compromise. Admittedly,

impugned FIR Annexure P-6 is derived from main FIR Annexure P-1, which is already quashed. In the given circumstances, as the main dispute between the parties is settled by way of compromise, continuation of proceedings under Section 174-A IPC is nothing but an abuse an process of law. In this context, reference be made to decision of co-ordinate Bench in CRM-M-59270-2022 Sanjeev Kumar Vs. State of Haryana decided on 19.12.2022.

8. For the foregoing reasons, the present petition is allowed and FIR No.13 dated 20.02.2020 under Section 174-A IPC (Annexure P-6) registered at Police Station Sehna District Barnala along with all the subsequent proceedings emanating therefrom are quashed qua the petitioner herein.

09.04.2024

Yogesh

(KARAMJIT SINGH)

JUDGE

Whether speaking/reasoned:-

Whether reportable:-

Yes/No

Yes/No