

2024:PHHC:096765



271 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18118-2023

Date of Decision : July 30, 2024

SukhchainPetitioner

Vs.
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Divya Singh, Advocate with
Mr. Rishi Pal Chander, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No.780 dated 29.08.2022 (Annexure P-1) under Section 174-A IPC registered at Police Station Assandh, District Karnal (Annexure P-6) qua the petitioner along with the subsequent proceedings arising therefrom.

Brief facts of the case are that case FIR No.512 dated 27.08.2011 came to be registered against the petitioner and his father. While the father of the petitioner, namely, Mahinder Singh faced the trial and was acquitted on 03.02.2014 and the petitioner was declared a proclaimed person on 23.04.2012/26.07.2012. However, no FIR under Section 174-A IPC was registered at that point of time.

Later, a compromise was arrived at between the petitioner on the one hand and the complainant on the other. A quashing petition (CRM-M-5260-2021) based on a compromise was filed and the said FIR No.512 dated 27.08.2011 was quashed vide judgment dated 05.12.2022 along with the order dated 23.04.2012/26.07.2012, whereby the petitioner was declared a proclaimed person.

However, during the course of the recording of the statements of the parties by the Judicial Magistrate 1st Class, Assandh, an observation was made by the said Court that pursuant to the petitioner being declared a proclaimed person, no FIR under Section 174-A IPC has been registered. Based on the reports of the Magistrate dated 26.08.2022 and 28.09.2022, the instant FIR came to be registered.

The learned counsel for the petitioner contends that when the petitioner was declared a proclaimed person, there was no order for registration of an FIR. Vide order dated 05.12.2022 (Annexure P-5), FIR No.512 dated 27.08.2011 (Annexure P-1) and the order dated 23.04.2012/26.07.2012 (declared the petitioner a proclaimed person) already stand quashed, no useful purpose will be served by allowing the instant proceedings to continue and, therefore, the said FIR be also quashed.

The learned State counsel, on the other hand, contends that the petitioner was absconding since long. The impugned order dated 26.07.2012 was rightly passed though the same stands quashed. However, now an FIR has been registered and the petitioner was liable to face trial.

I have heard the learned counsel for the parties.

Admittedly, the co-accused of the petitioner was acquitted vide judgment dated 05.12.2022 passed by this Court in CRM-M-5260-2021. The petitioner had compromised the matter with the complainant and the FIR (Annexure P-5) along with order dated 23.04.2012/26.07.2012 whereby the petitioner was declared a proclaimed person already stand quashed. As the base order dated 26.07.2012 whereby the petitioner was declared a proclaimed person stands quashed vide judgment dated 05.12.2012, the consequential FIR No.780 dated 29.08.2022 cannot be sustained. Therefore, the FIR No.780 dated 29.08.2022 under Sections 174-A IPC registered at Police Station Assandh, District Karnal and the consequential proceedings arising therefrom are, hereby, quashed.

July 30, 2024
satish

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO