



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

313

CRM-M-26868-2024

Date of decision: 26.09.2024

Dharampal and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sachin Rai Vaid, Advocate
for the petitioners.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 482 of the Cr.P.C. for quashing of FIR No.33 dated 08.02.2021 under Section 174-A of the IPC registered at Police Station Safidon, District Jind, along with all consequential proceedings arising therefrom, and charge sheet dated 23.06.2021 (Annexure P-11) and orders dated 23.02.2015 (Annexure P-3) and 03.02.221 (Annexure P-9), on the basis of compromise dated 16.10.2023 (Annexure P-14) and consequent acquittal of the petitioners from the main complaint case vide judgment dated 28.03.2024 (Annexure P-15).

2. Learned counsel for the petitioner submits a Complaint Case bearing No.32-4 of 2012 titled as 'Yogender Singh Vs. Dharampal, ASI and others' was instituted against the petitioners under Sections 148/323/341/342/363/365/499/500/506/511 of the IPC in



which they were declared proclaimed persons vide order dated 23.02.2015 by the Trial Court (Annexure P-3), pursuant to which FIR in question under Section 174-A of the IPC was registered against them. Learned counsel has submitted that not only has the trial concluded in the said complaint case but the petitioners have since been acquitted on the basis of a compromise arrived at between the parties, in the appeal filed by them against their conviction. In support, he has drawn the attention of this Court to Annexure P-15 wherein it stands reflected that the matter stood amicably settled between the parties and the petitioners stood acquitted. A prayer, therefore, has been made that in the aforementioned facts and circumstances, no purpose would be served by prosecuting the petitioners under Section 174-A IPC.

3. Mr. Rajesh Malik, Advocate has entered appearance and filed his vakalatnama on behalf of respondents No.2 and 3 which is taken on record. He does not dispute the submissions made by the counsel opposite and does not oppose quashing of the FIR in question under Section 174-A of the IPC as the matter in the complaint case stood compromised between the parties.

4. Learned State counsel has opposed the prayer made by the counsel opposite and contended that it was evident that the petitioners had intentionally not appeared during the proceedings before the Court below and hence, the prayer of the petitioners deserved to be declined.

5. Heard learned counsel for the parties and perused the relevant material on record.



6. The petitioners were declared proclaimed persons vide order dated 23.02.2015 in a complaint case. Admittedly, the said petitioners stood acquitted in the complaint case. Hence, continuation of criminal proceedings under Section 174-A IPC would serve no useful purpose.

7. Accordingly, the present petition is allowed and the FIR in question registered under Section 174-A IPC and consequential proceedings arising therefrom are quashed, including charge sheet dated 23.06.2021, and impugned orders dated 23.02.2015 and 03.02.2021.

26.09.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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