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THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.32279 of 2024
Date of Decision:20.11.2024

Som Pal @ Som Pal Choudhary

..... Petitioner

Versus

State of Haryana

..... Respondent

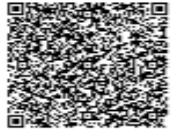
CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Diwan S. Adlakha, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for quashing of FIR No.219, dated 28.08.2018 (Annexure P-1) registered at police Station Yamuna Nagar Sadar, District Yamuna Nagar, under Section 174-A of Indian Penal Code arising out of FIR No.25 dated 13.03.2012 registered under Sections 420, 406, 34 IPC registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar (Annexure P-2) along with all consequential proceedings arising therefrom.
2. It has been submitted by learned counsel for the petitioner that the petitioner was prosecuted in FIR No.25 dated 13.03.2012 for the offences under Sections 420, 406, 34 IPC registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar. He submits that during the pendency of the trial, the petitioner was granted anticipatory bail,



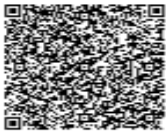
however, lateron he was declared a proclaimed offender vide order dated 27.05.2023. It is submitted that the impugned FIR No.219, dated 28.08.2018 under Section 174-A IPC was registered against the petitioner. He submits that the petitioner assailed the order dated 27.05.2023, declaring him proclaimed offender before this Court vide CRM-M-47631-2023, which was disposed of by this Court vide order dated 28.08.2024. He submits that in pursuant to the same, the petitioner appeared before the trial Court and submitted his bail bonds. He submits that the learned trial Court has already concluded the trial and vide order dated 22.08.2024, the petitioner was acquitted of all the charges framed against him. He submits that once the petitioner has already surrendered before the trial Court and the trial Court had acquitted him vide order dated 22.08.2024, the prosecution of the petitioner in the impugned FIR under Section 174-A IPC, is nothing but an abuse of the process of the Court.

3. Notice of motion.

4. On the asking of the Court, Mr. Tanuj Sharma, AAG, Haryana appears and accepts notice on behalf of the respondent-State. He on the other hand contends that the petitioner was rightly declared as a proclaimed offender and the petitioner is liable to be prosecuted in the said case, as he had failed to appear in the Court despite orders.

5. I have heard counsel for the parties and perused the record.

6. It is apparent that the present FIR was registered due to non-appearance of the petitioner in a case FIR No.25 dated 13.03.2012 for the



offences under Sections 420, 406, 34 IPC registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar. As he was not aware about the registration of the FIR No.219, dated 28.08.2018 at Police Station Yamuna Nagar Sadar, District Yamuna Nagar, under Section 174-A of Indian Penal Code, he could not appear in the Court and he was declared as a proclaimed offender. The petitioner was granted anticipatory bail by this Court vide order dated 11.07.2024. The petitioner has filed CRM-M-47631-2023 before this Court for quashing of order declaring the petitioner proclaimed offender and the same was disposed of vide order dated 28.08.2024. So, keeping in view the above-said facts and the law settled, continuation of the proceedings under Section 174-A of IPC shall be abuse of the process of the Court.

7. Consequently, the present petition is allowed. FIR No.219, dated 28.08.2018 (Annexure P-1) registered at police Station Yamuna Nagar Sadar, District Yamuna Nagar, under Section 174-A of Indian Penal Code, along with all consequential proceedings arising therefrom is hereby quashed.

20.11.2024
ps-I

(RAJESH BHARDWAJ)
JUDGE

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