



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

CRM-M-36131-2024

Date of Decision : **18.11.2024**

BALJIT SINGH ALIAS BALJIT SINGH MALHIPetitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Amandeep Singh Sandhu, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

Mr. Raghav Soni, Advocate,
for the respondent no.2/complainant

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition preferred under Section 528 of the BNSS, 2023, the petitioner seeks quashing of case FIR no.86, dated 07.09.2012, registered under Sections 174-A of the IPC, at Police Station Mehna, District Moga, (Annexure P-1), and all other consequential proceedings arising therefrom.

2. In asking for the relief (*supra*), learned counsel for the petitioner submits that, on an occasion, earlier the present petitioner approached this Court for making challenge to the order dated 13.09.2011 (Annexure P-3), whereby, the petitioner was declared as a proclaimed offender, which was disposed of vide order dated 23.01.2024 (Annexure P-4), with a direction upon the petitioner to surrender before the learned

trial court concerned. In pursuance of the aforesaid order dated 23.01.2024, the present petitioner appeared before the learned trial court concerned, and he was enlarged on regular bail by the latter concerned.

3. He further submits that the private complaint in which the petitioner was summoned, he has been discharged vide order dated 16.08.2024, therefore, the further proceedings arising therefrom, i.e. declaring the present petitioner as proclaimed offender, including registration of instant FIR under Section 174-A, are totally unwarranted.

4. He also submits that the FIR (*supra*), as registered under Section 174-A IPC, against co-accused-Balvir Singh and Sukhbir Singh, who were declared as a proclaimed offenders, alongwith present petitioner, has already been quashed by this court vide order of even date, in a connected petition (CRM-M-50516-2024).

5. He in addition submits that there is no meticulous compliance of Section 82 of the Cr.P.C.

6. The submissions made by learned counsel for the petitioner was duly opposed by learned State counsel, assisted by learned counsel for the complainant, however, they admit the *factum* of discharge of present petitioner in the main complaint case vide order (*supra*).

7. In view of the above, since the instant FIR registered under Section 174-A IPC, has already been quashed, *qua* the co-accused-Balvir Singh and Sukhbir Singh, who are on co-equal pedestal, vide order of even date, and in the main complaint case, the present petitioner has already been discharged vide order (*supra*), therefore, this Court can

safely conclude that the further proceedings in instant FIR in consequence of declaring the present petitioner as proclaimed offender, is an abuse of process of law.

8. Resultantly, the instant petition is, hereby, **allowed**, and FIR no.86, dated 07.09.2012, registered under Sections 174-A of the IPC, at Police Station Mehna, District Moga, and all the subsequent proceedings arising therefrom, are, hereby, **quashed**, *qua* the present petitioner.

9. All pending application(s), if any, also stand **disposed** of accordingly.

November 18, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No