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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38934-2024 (O&M)
Date of decision: 12.08.2024

Rahul Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for quashing of FIR No.19 dated 01.03.2021 under Section 174-A of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Bhupani, District Faridabad, as the petitioner was declared as proclaimed person in FIR No.258 dated 26.08.2014 under Section 366 of IPC, registered at Police Station Bhupani, District Faridabad and all the consequential proceedings emanating therefrom.

2. Learned counsel for the petitioner contends that initially,

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aforementioned FIR No.258 was registered on the statement of father of the prosecutrix on the allegations that her daughter had been taken away by the petitioner. Pursuant to that, the investigating agency conducted the investigation and presented the challan against the petitioner and he was declared proclaimed person vide order dated 05.12.2015 passed by learned Judicial Magistrate 1st Class, Faridabad and the impugned FIR was registered. Thereafter, the prosecutrix was recovered and her statement under Section 164 Cr.P.C. was recorded, in which she stated that she performed marriage with the petitioner and she does not want to take any action against him and on 05.03.2021, learned Additional Sessions Judge, Faridabad granted bail to the petitioner. The local police prepared the discharge report (Annexure P-1) and thereafter, opinion of ADA was sought on 28.10.2021, whether the offence is made out against the petitioner or not and ADA opined that nothing has been found against the petitioner and liberty was granted to the Investigating Officer to file the cancellation report after taking approval of from the senior police officers. After that, cancellation report was submitted before learned Judicial Magistrate 1st Class, Faridabad, which was accepted vide order dated 25.07.2022 (Annexure P-3) and the petitioner was discharged. Thereafter, the jurisdictional police authorities arrested the petitioner in the impugned FIR, which is completely illegal and unjustified in the eyes of law. It is thus contended that since main FIR No.258 has already been cancelled by learned Judicial Magistrate 1st Class, Faridabad on

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25.07.2022, continuation of proceedings pursuant to the impugned FIR will be an abuse of process of law.

3. Notice of motion.

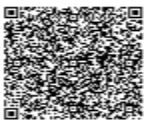
4. Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and she could not controvert the fact that main FIR No.258 has already been cancelled by learned Judicial Magistrate 1st Class, Faridabad vide order dated 25.07.2022 (Annexure P-3).

5. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

6. A Coordinate Bench of this Court in ***Vikas Gupta Vs. State of Haryana and others***, while quashing the FIR under Section 174-A of IPC in ***CRM-M-19636-2018*** decided on 01.08.2018 has observed the following:-

“The ultimate aim, objective and goal of a legal system is to reconcile the social conflicts. Law is required only to ensure that people do not have to fight with each other just to protect their right to property, right to life and liberty and other rights secured to them by the legal system. The civil disputes are the conflicts between two parties, having lesser overtones for the social order, social harmony or the society as such. Hence absolute freedom is given to the parties to settle their disputes by compromises, of course, coming with certain legal consequences as well. However, the criminal disputes do not necessarily restrict themselves to only two parties to the dispute in terms of their scope, consequences and effect. The criminal acts tend to cast their effect and consequences even upon the

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society at large. Therefore, the law prescribes punishment, severe punishments and the extreme punishments, including death penalty for criminal acts.”

7. In view of the discussion above, present petition is allowed and impugned FIR No.19 dated 01.03.2021 under Section 174-A of IPC, registered at Police Station Bhupani, District Faridabad (Annexure P-4) and all subsequent proceedings arising therefrom, are hereby quashed.

[HARPREET SINGH BRAR]
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No