

1
2024:PHHC:039758

CRM-M-46401-2022
Date of decision : 19.03.2024

Versus

Deepak Kumar
2024.03.20 15:58
I attest to the accuracy and
integrity of this document

Notice of motion.

On the asking of the Court, Mr. Arun Gupta, AAG, Punjab, appears and accepts notice on behalf of the respondent and seeks time to get instructions.

Adjourned to 21.11.2022.”

3. Counsel for the petitioners submits that so far as the partial quashing of FIR on the basis of compromise *qua* the co-accused is concerned, the said fact stands admitted by the prosecution in the status report filed by way of affidavit of Vaibhav Chaudhary, IPS, Assistant Superintendent of Police, Sub-Division Dera Bassi, District SAS Nagar, dated 6th of March, 2024. Para 4 thereof reads as under :

“4. That it is worthwhile to mention herein that the aforesaid FIR No. 193 (supra) against the co-accused of the petitioners was quashed by this Hon'ble High Court vide order dated 23.11.2020 in CRM-M No. 39164 of 2019 (Annexure P-10 in the petition). Thereafter, the petitioners had filed their petition bearing CRM-M No. 2672 of 2022 under Section 482 Cr.P.C. for quashing of the said FIR No. 193, wherein this Hon'ble High Court vide order dated 13.09.2023 directed the Ld. Trial Court to conclude the trial expeditiously and in any case not later than 06 months.”

4. Counsel further submits that the petitioners also stand acquitted in the same and thus present FIR against them *qua* offence punishable under Section 174-A cannot survive in view of the fact that the petitioners have earned acquittal in the principal proceedings.

5. Having heard counsel for the parties, in the considered opinion of this Court the question as to whether proceedings under Section 174-A IPC can be allowed to continue after the principal proceedings already

stands settled/withdrawn/adjudicated or in case of acquittal of the petitioners, is no more *res integra* and has been answered by a Co-ordinate Bench of this Court in **CRM-M-43813-2018** titled as “**Baldev Chand Bansal Vs. State of Haryana and another**” vide order dated 29th of Janaury, 2019, which held as under:

“Prayer in this petition is for quashing of FIR No.64 dated 15.02.2017 filed under Section 174-A of the Indian Penal Code registered at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof as well as order dated 24.10.2016 passed by the trial Court vide which a direction was issued to register the aforesaid FIR.”

xx xxx xxxx

*Learned counsel for the petitioner has relied upon the decisions rendered by this Court in “ **Vikas Sharma vs. Gurpreet Singh Kohli and another (supra), 2017, (3) L.A.R.584, Microqual Techno Limited and others Vs. State of Haryana and another, 2015 (32) RCR (Crl.) 790 and “Rajneesh Khanna Vs. State of Haryana and another” 2017(3) L.A.R. 555** wherein in an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the process of law.*

xx xxx xxxx

In view of the same, I find merit in the present petition and accordingly, present petition is allowed and the impugned order dated 24.10.2016 passed by Judicial Magistrate, 1st Class, Panchkula as well as FIR No.64 dated 15.02.2017 registered under Section 174-A of the Indian Penal Code at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof, are hereby quashed.”

6. Same is the view of another Co-ordinate Bench in the “**Ashok Madaan vs. State of Haryana and another**” reported as 2020 (4) RCR (Criminal) 87, wherein it has been held that:

“No doubt, the learned counsel for the respondent has vehemently argued that the offence under Section 174-A I.P.C. is independent of the main case, therefore, merely because the main case has been dismissed for want of prosecution, the present petition cannot be allowed, however, keeping in view the fact that the present FIR was registered only on account of absence from the proceedings in the main case which had been subsequently regularised by the court while granting bail to the petitioner, the default stood condoned. In such circumstances, continuation of proceedings under Section 174A I.P.C. shall be abuse of the process of court.

7. Accordingly, the petition is allowed. FIR No. 446 dated 21.08.2017, registered under Section 174A I.P.C. at Police Station Kotwali, District Faridabad, as well as consequential proceedings shall stand quashed.”

7. Keeping in view the facts and circumstances of the present case and in view of the principles settled by this Court, the present petition is allowed. FIR No.219, dated 10th of August, 2018 registered for the offences punishable under Section 174-A IPC at Police Station Dera Bassi, District SAS Nagar, Mohali (Annexure P-7) and all proceedings subsequent thereto, are hereby quashed *qua* the present petitioners.

March 19, 2024
Dpr

(Pankaj Jain)
Judge

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