

2024:PHHC:099739



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

Sr. No.263**CRM-M-50855-2021 (O&M)****Date of decision : 05.08.2024**

Amrik Singh

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Dr. N. Pradeep Sharma, Advocate and
Mr. Sanjay Bhatnagar, Advocate, for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

Ms. Manju Goyal, Advocate for
Mr. Pawan Girdhar, Advocate, for respondent No.2.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 482 Cr.P.C. has been invoked with a prayer seeking quashing of FIR No.0036 dated 19.01.2020, under Section 174-A IPC, registered at Police Station Faridabad Central, District Faridabad (Annexure P5).

2. The facts of the case are that on 28.05.2014, two complaints with verbatim same allegations were simultaneously preferred by respondent No.2, under Section 15 of the Environment Protection act, 1986 viz. complaint No.120/14 (hereinafter referred to as complaint No.1) and complaint No.124/14 (hereinafter referred to as complaint No.2) against the petitioner before the learned Special Environmental Court, Faridabad with the allegations that he has not obtained the environmental clearance from the State Government and has violated the Aravali Notification dated 07.05.1992 while constructing his farm house situated in the vicinity of the

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Damdama Lake, village Roz Ka Gujjar Pahar, Tehsil Sohna, District Gurgaon.

2.1 In complaint No.1, the petitioner was summoned by the Court of learned Special Environment Presiding Officer-cum-JMIC Faridabad on 06.01.2016 and in complaint No.2, the petitioner was summoned by the Court of learned Special Environment Presiding Officer-cum-JMIC Faridabad on 19.11.2015.

2.2 After the service of the petitioner in complaint No.2, the petitioner was continuously appearing before the Court of learned Special Environment Presiding Officer-cum-JMIC Faridabad.

3. Learned counsel for the petitioner submits that the petitioner is a renowned singer and in complaint No.1, he was proceeded ex-parte under Section 299 of Cr.P.C. and he was also regularly appearing through counsel before the concerned Court in complaint No.2. He further submits that the petitioner has been declared a proclaimed offender by the Court of learned JMIC, Special Environment Court, Faridabad vide order dated 29.10.2019 and the abovesaid FIR has been registered him.

4. Learned counsel for the petitioner has supplied copy of order dated 12.04.2022 passed in case No.120/2014 and copy of order of even date passed in case No.124/2014, in which, the petitioner has been acquitted by the learned Presiding Officer-cum-JMIC, Special Environment Court, Faridabad.

5. Further, learned counsel for the petitioner submits that once, the petitioner has been acquitted, the continuation of proceedings under Section 174-A IPC is nothing but an abuse of process of law.

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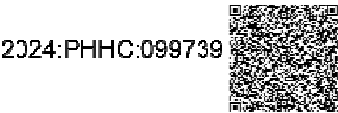


7. A Coordinate Bench of this Court in a case titled as **Ashok Madan Vs. State of Haryana and another reported as 2020(4) RCR (Criminal) 87** held as under:-

“No doubt, the learned counsel for the respondent has vehemently argued that the offence under Section 174-A IPC 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 regularized by the Court while granting bail to the petitioner, the default stood condoned. In such circumstances, continuation of proceedings under Section 174-A IPC shall be abuse of the process of the Court.

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

8. In the present case also, the main cases viz. case No.120/2014 and case No.124/2014 already stands decided vide order dated 12.04.2022 by the Presiding Officer-cum-JMIC, Special Environment Court, Faridabad and the petitioner has been acquitted in said cases. Therefore, this Court is of the considered view that further continuation with the proceedings under Section 174-A IPC would be nothing but an abuse of the process of law. Similar observations have also been made by this Court in the matter of **Anil Kumar Vs. Jitender Kumar and another** (CRM-M-5878-2022) decided on 06.04.2022 and **Varinder Kumar @ Virender Kumar Vs. State of Haryana and another** (CRM-M-42551-2021) decided on 19.04.2022.



9. In view of the above, the present petition is allowed and FIR No.0036 dated 19.01.2020, under Section 174-A IPC, registered at Police Station Faridabad Central, District Faridabad (Annexure P5) alongwith all subsequent proceedings arising therefrom are hereby ordered to be quashed subject to payment of Rs.50,000/- to be deposited in Poor Patient(s) Fund, PGIMER, Chandigarh.
10. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

05.08.2024
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No