

2024:PHHC:164835



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

**CRM-M-51121-2023**  
**DECIDED ON: 10.12.2024**

**HEAVANT SUDHIR MALHOTRA**

**.....PETITIONER**

## VERSUS

STATE OF UT CHANDIGARH AND ANOTHER

## .....RESPONDENTS

2.

**CRM-M-51101-2023**

**HEAVANT SUDHIR MALHOTRA**

.....PETITIONER

## VERSUS

# STATE OF UT CHANDIGARH AND ANOTHER

## .....RESPONDENTS

3.

**CRM-M-51129-2023**

**HEAVANT SUDHIR MALHOTRA**

....PETITIONER

## VERSUS

STATE OF UT CHANDIGARH AND ANOTHER

## .....RESPONDENTS

4.

**CRM-M-51133-2023**

**HEAVANT SUDHIR MALHOTRA**

.....PETITIONER

## VERSUS

STATE OF UT CHANDIGARH AND ANOTHER

## .....RESPONDENTS

5.

CRM-M-51146-2023

**HEAVANT SUDHIR MALHOTRA**

**.....PETITIONER**

**VERSUS**

**STATE OF UT CHANDIGARH AND ANOTHER**

**.....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Sunil Chadha, Sr. Advocate with  
Mr. Ashwani Arora, Advocate  
for the petitioner(s).

Mr. Manish Bansal, PP, UT, Chandigarh with  
Mr. Rajiv Vij, APP, UT, Chandigarh.

**SANDEEP MOUDGIL, J (ORAL)**

1. This is a petition under Section 482 of Cr.P.C., for quashing of the FIR No.0114 dated 25.09.2023 (Annexure P-1) registered at Police Station Manimajra, U.T., Chandigarh, under Section 174-A of IPC as well as the order dated 28.07.2022 vide which the petitioner has been declared proclaimed person in four complaint cases bearing No.NACT/18400/2018, NACT/18402/2018, NACT/18403/2018 and NACT/18404/2018.

2. Vide this common order, this Court intends to dispose off all the connected petitions.

3. For the sake of convenience, the facts are taken from CRM-M-51121-2023 as the common of facts and law is involved therein.

4. Status report filed by way of an affidavit of P.Abhinandan, Dani, IPS, DSP, North East on behalf of respondent No.1, is taken on record.

5. At the outset, learned Sr. counsel appearing on behalf of the petitioner submits that the petitioner already stands arrested on 25.08.2023, therefore, the order declaring him Proclaimed Offender would automatically cease to operate on

account of the fact that the petitioner was granted bail by the Lower Appellate Court. Moreso this principle has been explained by various judicial dictums of this Court one of being them in **Abhishek Jain vs. State of Punjab** passed in CRM-M-37167-2018, wherein it has been held as under:-

*“It is, therefore, clear that that objective was to ensure the presence of the accused. As is apparent from the interlocutory orders produced before this Court by the petitioner, the petitioner has already appeared and joined proceedings. He is regularly appearing before the trial Court since 04.09.2019. As such, purpose, for which the proceedings under **Section 82 C.P.C.** had been initiated, stands achieved and the petitioner can no longer be called as an absconder.”*

Another Co-ordinate Bench of this Court in a case titled as **“Ashok Madan vs. State of Haryana and another” reported as 2020 (4) RCR (Criminal) 87** has also held as under:-

*“No doubt, the learned counsel for the respondent has vehemently argued that the offence under Section 174A 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 174-A I.P.C. Shall be abuse of the process of court.*

*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.”*

A perusal of the relevant extract of the above judgment would show that where the main case stands regularized by the Court by granting bail to the

petitioner, therefore, the continuation of proceedings under Section 174-A of the IPC shall be an abuse of the process of court.

6. Since the petitioner stands arrested in the main complaint, as is evident from the status report dated 01.03.2024 filed by learned State counsel, no fruitful purpose would be served by continuing the proceedings in the instant FIR, as the same was the result of the non-appearance on the part of the petitioner, which subsequently stands regularized, once he stands arrested in the above-mentioned case.

7. Keeping in view the above-said facts and circumstances, the FIR No.0114 dated 25.09.2023 (Annexure P-1) registered at Police Station Manimajra, U.T., Chandigarh, under Section 174-A of IPC as well as the order dated 28.07.2022 vide which the petitioner has been declared proclaimed person, with all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner.

8. In the light of above, the petition stands disposed off.

10.12.2024

*Sham*

(SANDEEP MOUDGIL)  
JUDGE

*Whether speaking/reasoned*    *Yes/No*  
*Whether reportable*            *Yes/No*