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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53926-2022
DECIDED ON: 16.01.2024

N. MOHAMED JIYAVUDEEN

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: None for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab

Mr. Parmod Parmar, Advocate
for respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

1. This is a petition under Section 482 Cr.P.C., for quashing of the FIR No.257, dated 27.07.2022, under Section 174-A IPC, registered at Police Station Sector 6, Bahadurgarh with a further prayer to quash the order dated 21.04.2022 (Annexure P-2), vide which the present petitioner has been declared proclaimed offender.
2. Learned counsel for respondent No.2-complainant submits that the main complaint pending before the Court below has been withdrawn on 25.07.2023 and, therefore, the present petition has been rendered infructuous, wherein quashing of FIR No.257, dated 27.07.2022, under Section 174-A IPC, registered at Police Station Sector 6, Bahadurgarh has been sought by the petitioner with a further prayer to quash the summoning

order dated 21.04.2022 (Annexure P-2), vide which the present petitioner has been declared proclaimed offender.

3. Heard learned counsel for respondent No.2.

4. In view of the statement made by learned counsel for respondent No.2 that complaint bearing COMA-120-2016 has been withdrawn by respondent No.2 and as has been held by various dictum of this Court that once the main complaint stands withdrawn, the continuation of proceedings under Section 174-A IPC would be an abuse of process of law.

5. Further, reliance can be placed upon the orders dated 20.07.2022 and 24.08.2022 respectively, passed by a coordinate Bench of this Court in CRM-M-46062-2017, titled as ***“Jatin Dhawan and another versus State of Haryana and another”*** and CRM-M-12534-2022, titled as ***“Krishan Kumar versus State of Haryana and another”***, wherein it has been held that once the main case is dismissed as withdrawn the continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.

6. 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 agrued 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.

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. Considering the aforesaid judgments and the observations made hereinabove, this Court is of the considered view that the pendency of such proceedings would render the proceedings absolutely useless as the petitioner is not going to be convicted and continuation of the same would only be a waste of time for the Courts below but will be patent abuse of process of law.

8. Hence, FIR No.257, dated 27.07.2022 (Annexure P-1), under Section 174-A IPC, registered at Police Station Sector 6, Bahadurgarh and the order dated 21.04.2022 (Annexure P-2), vide which the present petitioner has been declared proclaimed offender are hereby quashed with all the consequential proceedings arising therefrom.

9. The present petition is, therefore, allowed.

(SANDEEP MOUDGIL)
JUDGE

16.01.2024

Poonam Negi

Whether speaking/reasoned Yes/No

Whether reportable Yes/No