

CRM-M-49665-2024

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

**CRM-M-49665-2024**

Date of Decision: 21.11.2024

Raj Singh @ Raju

..... Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Ruhani Chadha, Advocate, for the petitioner.

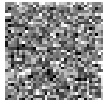
Mr.Karunesh Kaushal, AAG, Punjab.

**Rajesh Bhardwaj, J. (Oral)**

1. Prayer in the present petition is for quashing of FIR No.113 dated 22.10.2021 registered under Sections 174-A and 229 IPC, at Police Station Cantt. Ferozepur as well as subsequent proceedings arising out from the said FIR.

2. Learned counsel for the petitioner submits that the petitioner was prosecuted in the FIR No.62 dated 25.06.2017, registered under Sections 21, 29 and 27-A of NDPS Act, 1985. He has submitted that during the trial, the petitioner was declared a proclaimed offender vide order dated 07.08.2018 and the impugned FIR No.113 dated 22.10.2021, under Sections 174-A and 229 IPC was registered against him. He has submitted that on the conclusion of the trial, in FIR No.62 dated 25.06.2017, the petitioner has already been acquitted vide order dated 18.12.2023. He thus, submits that once the petitioner has already been acquitted in the main case, his prosecution in the impugned FIR registered under Section 174-A would be nothing but an abuse of the process of the law.

4. Status report by way of an affidavit of Sukhwinder Singh, PPS, Deputy Superintendent of Police (City), District Ferozepur has already been filed. Learned State counsel has submitted that the petitioner was rightly



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declared as proclaimed person, pursuant to which impugned FIR under Section 174-A of IPC was registered against the petitioner and the petitioner is liable to be prosecuted for the same.

5. I have heard counsel for the parties and perused the record. It is apparent that the present FIR was registered due to non-appearance of the petitioner as he was declared as a proclaimed person vide order dated 07.08.2018. As submitted before this Court, the petitioner has already been acquitted in the main case vide order dated 18.12.2023.

6. This Court time and again has held that when the main case already stands disposed of, then the continuation of FIR and proceedings under Section 174-A of IPC on account of petitioner having been declared as proclaimed offender would be nothing but an abuse of the process of law.

7. So, keeping in view the above-said facts, it is clear that the FIR was registered on account of absence of the petitioner and the petitioner has already been acquitted in the main case. Continuation of the proceedings under Section 174-A of IPC shall be abuse of the process of the law as the main case already stands disposed of. Thus, FIR No.113 dated 22.10.2021 registered under Sections 174-A and 229 IPC, at Police Station Cantt. Ferozepur including the order dated 07.08.2018 passed by learned Judge, Special Court, Ferozepur, on the basis of which, the present FIR was lodged, is quashed. The petition stands disposed of.

21.11.2024  
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Whether Speaking/Reasoned  
Whether Reportable

(RAJESH BHARDWAJ)  
JUDGE

: Yes/No  
: Yes/No