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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52586-2023

Date of Decision:24.01.2024

Lakha Singh

...Petitioner

Vs.

State of Punjab

...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present: Mr. Preetwinder Singh Dhaliwal, Advocate
 for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 482 Cr.P.C with a prayer to quash FIR No.13 dated 21.02.2020, under Section 174-A of IPC, Police Station Tallewal, District Barnala (Annexure P-9) and all subsequent proceedings arising out therefrom.
2. Learned counsel for the petitioner contends that on the basis of statement made by one Gurjinder Singh @ Soni son of Mela Singh, one FIR No.09 dated 28.01.2014, under Sections 420,120-B of IPC was ordered to be registered against the petitioner and others at Police Station Tallewal, District Barnala (Annexure P-1). Learned counsel for the petitioner further contended that in fact, the petitioner had left India in the year 2011 and even at the time of registration of the FIR on 28.01.2014, he was not in India. The petitioner had even placed reliance on the passport (Annexure P-2) in this regard. During the course of investigation, the petitioner was wrongly declared as a proclaimed offender without any valid service, vide the order dated 29.09.2016

(Annexure P-3). Even the co-accused of the petitioner were tried by the Trial Court and vide the judgments dated 02.03.2020 and 07.10.2022 (Annexures P-4 and P-5) were ordered to be acquitted. In the April 2023, the petitioner came to know that he had also been arrayed as an accused in the FIR (Annexure P-1). Consequently, the petitioner filed a petition bearing No. CRM-M-23433-2023 for quashing of the order dated 29.09.2016, whereby the petitioner was ordered to be declared as proclaimed offender without any valid service. Vide the order dated 29.09.2023 (Annexure P-8) this Court had ordered the quashing of the order dated 29.09.2016, whereby the petitioner was declared as a proclaimed offender. Apart from that, the petitioner had also filed a petition for quashing of the FIR on the basis of compromise bearing No.CRM-M-22004-2023, which was allowed by this Court, vide the order dated 29.09.2023 (Annexure P-7).

3. Learned counsel for the petitioner contends that vide order dated 29.09.2016, whereby the petitioner was declared as a proclaimed offender stands quashed vide the order dated 29.09.2023 (Annexure P-8) passed by this Court, however, the petitioner came to know that on the basis of the order dated 29.09.2016, one FIR No.13 dated 21.02.2020 under Section 174-A of IPC, Police Station Tallewal District Barnala has also been registered against the present petitioner. Learned counsel further submits that since the order declaring the petitioner as proclaimed offender has already been quashed by this Court. The proceedings emanating from FIR No.13 dated 21.02.2020 would be an abuse of the process of the Court.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that

the petitioner had intentionally not appeared before the Trial Court and the FIR has been rightly registered against him, however, learned State counsel could not dispute the factual submissions made by learned counsel for the petitioner.

5. Having heard the learned counsel for the parties and on perusal the record, this Court is of the considered view that FIR No.13 dated 21.02.2020 under Section 174-A of IPC, Police Station Tallewal District Barnala is liable to be quashed by this Court. Vide the order dated 29.09.2016 (Annexure P-3), the petitioner was ordered to be declared a proclaimed person, however, the petitioner was already living abroad since 2011. Since, the petitioner was declared to be a proclaimed person without affecting the valid service on him and also in view of the compromise between the parties, the order dated 29.09.2016 was ordered to be quashed by this Court vide order dated 29.09.2023 (Annexure P-8). Once, the order declaring the petitioner is proclaimed person has been quashed, there is no justification of continuation of proceedings in a case arising out of FIR No.13 dated 21.02.2020 under Section 174-A of IPC, Police Station Tallewal District Barnala.

6. Thus, the present petition is allowed and the FIR No.13 dated 21.02.2020 registered under Section 174-A of IPC, Police Station Tallewal District Barnala and all other consequential proceedings arising therefrom are hereby ordered to be quashed.

24.01.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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