

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(126)

CRM-M-63024-2023  
Date of Decision:-11.01.2024

Baldev Singh @ Bobby

.....Petitioner

Versus

State of Punjab

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ALOK JAIN**

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Present: Mr. Rahi Mehra, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

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**ALOK JAIN, J. (Oral)**

1. The present petition is for quashing of the FIR No. 161 dated 06.12.2022 under Section 174-A of IPC, registered at Police Station Verowal, District Tarn Taran (Annexure P-1), which was lodged on account of the petitioner being declared a proclaimed person during the trial of FIR No. 51 dated 14.05.2017 under Sections 302 read with Section 34 of the Indian Penal Code, registered at Police Station Verowal, District Tarn Taran along with the subsequent proceedings arising therefrom.
2. Learned counsel for the petitioner submits that the petitioner has been acquitted in the said FIR, however, due to inadvertence, the order dated 06.01.2018, whereby, he was declared as a proclaimed person and the FIR under Section 174-A IPC is still pending.
3. Notice of motion.

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4. Mr. Siddharth Attri, AAG, Punjab, accepts notice on behalf of respondent-State and does not deny the fact that the petitioner has been acquitted vide judgment dated 01.07.2023 and the State has not filed any appeal against the said judgment also.

5. Considering the above factual matrix, the subsistence of the present FIR deserves to be quashed.

6. To substantiate his arguments, learned counsel for the petitioner has relied upon the judgment passed by a Co-ordinate Bench of this Court in ***CRM-M-14982-2019*** titled as **“Surinder Singh and others Vs. State of Punjab”** decided on 14.08.2019, in which it was held that once the accused have already surrendered and were subsequently acquitted then the purpose for which the accused were declared as proclaimed person stands fulfilled and therefore, the proceedings under Section 174-A IPC are liable to be quashed.

7. This Court has heard the learned counsel for the parties at length.

8. In ***Janata Dal v. H.S. Chowdhary & Ors., [(1992)4 SCC 305]***, the Hon’ble Apex Court, while referring to the inherent powers of the High Courts under Section 482 Cr.P.C. to make orders as may be necessary for the ends of justice, clarified that such power has to be exercised in appropriate cases *ex debito justitiae*, i.e. to do real and substantial justice. The powers possessed by the High Court under Section 482 of the Code are very wide and plenitude. The High Court, as the highest court exercising criminal jurisdiction in a State, has inherent powers to make any order for the purposes of securing the ends of justice.

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9. Keeping in view the fact that the petitioner who was declared a proclaimed offender on 06.01.2018, subsequently joined the proceedings and was granted bail on 21.03.2023 and subsequently was acquitted in FIR No. 51 dated 14.05.2017 under Sections 302 read with Section 34 of the Indian Penal Code vide judgment dated 01.07.2023, the purpose for which the petitioner was declared proclaimed person stands fulfilled, thus the continuation of proceedings under Section 174-A of IPC would be nothing but an abuse of process of law.

10. In light of the above, the present petition stands allowed. Consequently, FIR No. 161 dated 06.12.2022 under Section 174-A of IPC registered at Police Station Verowal, District Tarn Taran (Annexure P-1) and all the subsequent proceedings emanating therefrom are quashed.

(ALOK JAIN)  
JUDGE

January 11, 2023  
*parul*

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|-----------------------------|--------|
| Whether speaking/reasoned:- | Yes/No |
| Whether Reportable:-        | Yes/No |