

2024:PHHC:163999



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

CRM-M-61649-2024
DECIDED ON: 09.12.2024

JUGRAJ SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab

SANDEEP MOUDGIL, J (ORAL)

1. This is a petition under Section 528 of BNSS, 2023, for quashing of the FIR No.200 dated 07.10.2023 (Annexure P-4) registered at Police Station Civil Lines, District Police Commissionerate Amritsar, under Section 174-A of IPC as well as the order dated 09.02.2023 vide which the petitioner has been declared proclaimed person in complaint case bearing No.NACT/726/2021 titled as ***“Madhuri Kapoor and Another vs. Jugraj Singh”***.

2. Learned counsel for the petitioner states that the main complaint under Section 138 of Negotiable Instruments Act stands withdrawn by the complainant, in view of the compromise affected between the parties vide order dated 14.09.2024 (Annexure P-6). It is further stated that mandatory provision of Section 82 of Cr.P.C., has not been complied properly by the Court below, while declaring the petitioner as proclaimed person.

3. Heard, learned counsel for the petitioner.

3. Reliance has been 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 CRMM-12534-2022, titled as ***“Krishan Kumar versus State of Haryana and another”***, respectively wherein it has been held that once the main case is dismissed as withdrawn, the continuation of proceedings under Section 174-A IPC shall be an abuse of process of law.

5. 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.”

6. A perusal of the relevant extract of the above judgment would show that where the main case was dismissed for want of prosecution, it was observed that the continuation of proceedings under Section 174-A of the IPC shall be an abuse of the process of court.

7. Since the main complaint has been dismissed as withdraw, as is evident from the perusal of aforesaid order passed by Judicial Magistrate 1st Class, Amritsar and the offence between the petitioner and complainant is personal in nature not against the society at large, who have resolved their dispute, no fruitful purpose would be served by continuing the proceedings in the instant FIR No.200 dated 07.10.2023 (Annexure P-4) registered at Police Station Civil Lines, District Police Commissionerate Amritsar, under Section 174-A of IPC.

8. Keeping in view the above-said facts and circumstances, the present petition is allowed and FIR No.200 dated 07.10.2023 (Annexure P-4) registered at Police Station Civil Lines, District Police Commissionerate Amritsar, under Section 174-A of IPC as well as the order dated 09.02.2023 vide which the petitioner has been declared proclaimed person, with all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner.

09.12.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

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