



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

CRM-M-3096-2025
Date of decision: 22.01.2025

Jaspal Singh Vandal @ Tittu Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Puneet Kakkar, Advocate and
Mr. Amit Kumar, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition under Section 528 of BNSS, 2023 has been filed by petitioner seeking quashing of FIR No.2391 dated 12.12.2019 Annexure P-2, registered under Section 174-A IPC in Police Station Shivaji Nagar, Gurugram and all the subsequent proceeding arising therefrom.
2. Notice of motion.
3. Mr. Arjun Lakhanpal, Addl. A.G. Haryana, accepts notice on behalf of the State.
4. The counsel for the petitioner submits that Assistant Director I.S. and Health filed criminal complaint against the petitioner and other persons before the Court of Chief Judicial Magistrate, Gurugram, wherein the petitioner was declared proclaimed person vide order dated 13.09.2019 and subsequently, this Court quashed the said order vide order dated 05.11.2024 Annexure P-3. It is further submitted that aforesaid criminal complaint is already disposed of by the Court below against the petitioner



vide order dated 02.12.2024 Annexure P-4 and fine of Rs.12,500/- was imposed. It is further submitted that as the main criminal complaint is already disposed of and order whereby the petitioner was declared as proclaimed person was set aside vide order Annexure P-3, the impugned FIR Annexure P-2 is not sustainable.

5. On the other hand, the State counsel submits that the FIR Annexure P-2 was recorded by the police after following the proper procedure, on the direction given by the trial Court and that no ground is made out to quash the said FIR. However, the State counsel has not disputed the fact that the order whereby the petitioner was declared as proclaimed person is already set aside by this Court vide its order Annexure P-3 and further in the main criminal complaint, fine was imposed by the trial Court and the said criminal complaint is finally disposed of by the Court concerned vide order Annexure P-4.

6. I have considered the submissions made by counsel for the petitioner.

7. Undoubtedly, FIR Annexure P-2 was registered against the petitioner under Section 174-A IPC on the basis of order dated 13.09.2019 vide which the petitioner was declared as proclaimed person in afore-stated criminal complaint. From the perusal of Annexure P-3, it is clear that aforesaid order dated 13.09.2019 whereby the petitioner was declared as proclaimed person, is already set aside by this Court vide order dated 05.11.2024. FIR Annexure P-2 is off shoot of the aforesaid order dated 13.09.2019, which is already quashed. In the given circumstances, as the main criminal complaint is already disposed of and further order dated

13.09.2019 being already set aside, FIR Annexure P-2 dated 12.12.2019, registered under Section 174-A IPC is not sustainable in the eyes of law and deserves to be quashed.

8. For the foregoing reasons, without expressing any opinion on the merits of the case, the present petition is allowed and FIR No.2391 dated 12.12.2019 (Annexure P-2), registered under Section 174-A IPC in Police Station Shivaji Nagar, Gurugram and all the subsequent proceedings arising thereof are quashed qua the petitioner, subject to cost of Rs.5,000/- to be deposited by the petitioner in Poor Patients Fund, PGIMER, Chandigarh within a period of 4 weeks. The receipt regarding said deposit is to be submitted with the registry of this Court within a period of another 4 weeks thereof.

22.01.2025
Yogesh

(KARAMJIT SINGH)
JUDGE

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