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

**CRM-M-42191-2025
DECIDED ON: 05.08.2025**

PREM CHAND AND ANOTHER **.....PETITIONERS**

VERSUS

STATE OF PUNJAB **.....RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Deepak Aggarwal, Advocate
for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this court is invoked under Section 528 of BNSS, 2023, for quashing of the FIR No. 246 dated 21.12.2020 under Section 174-A of IPC registered at Police Station Kotwali Nabha, District Patiala.
2. Learned counsel for the petitioner submits that one FIR no. 102 dated 09.10.2018 under Sections 302, 323, 34 IPC and Section 27 of Arms Act was registered against the petitioners and their co-accused persons. (Annexure P-1). It is further submitted that during the pendency of the trial, the prosecution moved an application under Section 319 CrPC to summon the petitioners as an additional accused wherein the application was partly allowed by summoning petitioner no. 1 and the said application was dismissed qua petitioner no. 2 vide order dated 23.11.2020. (Annexure P-3) In addition it is submitted that petitioner no. 1 stands acquitted by the trial court vide order dated 06.06.2024, in FIR No. 102 under sections 302, 323, 34 IPC and Section 27 of Arms Act.(Annexure P-7)
3. Notice of Motion.



4. On the asking of the court, Mr. J.S. Rattu, DAG Punjab accepts notice on behalf of respondent/State and informs the Court that during the course of investigation petitioner no. 2 namely Vikas Kumar Verma was found innocent whereas petitioner no. 1 was summoned to face the trial under Section 319 CrPC.

5. Heard, learned counsel for respective parties.

6. From the perusal of the record at hand it is crystal clear that the petitioner no. 1 was acquitted after due adjudication on the matter vide order dated 06.06.2024 and the petitioner no. 2 was never summoned for investigation which is evident vide order dated 23.11.2020.

7. Since the petitioner no. 1 stands acquitted in FIR No. 102 dated 19.10.2018 (Annexure P-7) and the application under Section 319 CrPC to summon petitioner no. 2 was dismissed vide order dated 23.11.2020 (Annexure P-3) and the offence alleged against the petitioners does not sustain. Thus, no fruitful purpose would be served by continuing the proceedings in the instant FIR No. 246 dated 21.12.2020, registered at Police Station Kotwali Nabha, District Patiala, under Section 174-A of IPC.

8. This Court is convinced on perusal of the pleadings and the submissions made by learned counsel for the petitioner that the petitioner no. 2 was never served with the summoning orders whereas petitioner no. 1 stands acquitted, the continuation of proceedings in the instant FIR no. 246 would tantamount to nothing else, but an abuse of process of law, which will finally turn to be a futile exercise.

9. In view of the submissions made by learned counsel for the petitioner and the principle of law as laid down in several dictums of this Court and reliance can be 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 CRM-M-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.

10. Further reliance can be placed upon the orders of this Court dated 12.12.2022 and 13.12.2022 passed in CRM-M-55634-2022 titled as ***“Jinder Singh Vs. State of Punjab and another”*** and CRM-M-45051-2022 titled as ***“Hari Singh Meena Vs. State of Haryana”***, respectively in this regard.

11. 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 174-A 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 174-A I.P.C. At Police Station Kotwali,

District Faridabad, as well as consequential proceedings shall stand quashed.”

12. Keeping in view the above-said facts and circumstances, the present petition is allowed and FIR No.246 dated 21.12.2020, registered at Police Station



Kotwali Nabha, District Patiala, under Section 174-A of IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed qua the petitioner.

05.08.2025

pry.

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

(SANDEEP MOUDGIL)
JUDGE