



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

**(257)**

**CRM-M-52496-2019**

**Date of Decision:-07.08.2025**

**AJIT SINGH**

**.....Petitioner**

**Versus**

**STATE OF PUNJAB**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Vikas Gupta, Advocate  
for the petitioner.

Mr. Gorav Kathuria, Asstt. A.G., Punjab.

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**JASJIT SINGH BEDI, J. (Oral)**

This is a petition under Section 482 of Cr.P.C. for quashing of the FIR No.202 dated 04.10.2017 (Annexure P-6) registered under Section 174-A of IPC, 1860 at Police Station Sadar Tarn Taran which was registered consequent to the order dated 28.08.2017 (Annexure P-5) passed by the Chief Judicial Magistrate, Tarn Taran declaring the petitioner as proclaimed person.

2. The brief facts of the case are that an FIR No.411 dated 12.11.2014 (Annexure P-1) under Section 420/120B IPC Police Station City Tarn Taran, District Tarn Taran came to be registered against the petitioner. The petitioner was declared a proclaimed person vide order dated 28.08.2017 (Annexure P-5) and directions were issued to the SHO, Sadar Tarn Taran for registration of an FIR under Section 174A IPC. Subsequent thereto, the FIR came to be registered under Section 174A IPC

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on 04.10.2017 (Annexure P-6).

3. It is this FIR which is under challenge in the present petition.

4. The learned counsel for the petitioner contends that after the petitioner was declared a proclaimed person, a compromise dated 18.07.2018 (Annexure P-8) was arrived at between the parties consequent to which the FIR No.411 dated 12.11.2014 (Annexure P-1) under Section 420/120B IPC Police Station City Tarn Taran, District Tarn Taran came to be quashed by this Court vide order dated 06.12.2018 (Annexure P-9). As the main FIR already stands quashed on the basis of a compromise, the instant FIR under Section 174A IPC be also quashed, in the interest of justice.

5. On the other hand, the learned State counsel contends that the offences in question are completely separate. The petitioner was an accused in FIR No.411 dated 12.11.2014 U/s 420, 120-B IPC, P.S. City Tarn Taran, District Tarn Taran in which he did not join proceedings consequent to which he was declared a proclaimed person on which the instant FIR No.202 dated 04.10.2017 (Annexure P-6) under Section 174-A of IPC, 1860 Police Station Sadar Tarn Taran came to be registered. Therefore, the present petition is liable to be dismissed.

6. This Court has heard the learned counsel for the parties and has perused the paper-book.

7. From the above-said facts and circumstances, it is apparent that the present FIR was registered in view of the fact that the petitioner was declared as a proclaimed person in FIR No.411 dated 12.11.2014 (Annexure P-1) under Section 420/120B IPC Police Station City Tarn Taran, District Tarn Taran. The said FIR has been quashed on the basis of

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a compromise.

8. A co-ordinate Bench of this Court in **CRM-M-43813-2018** titled as “**Baldev Chand Bansal vs. State of Haryana and another**”, decided on 29.01.2019 has held as under:-

*“Prayer in this petition is for quashing of FIR No.64 dated 15.02.2017 filed under Section 174-A of the Indian Penal Code registered at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof as well as order dated 24.10.2016 passed by the trial Court vide which a direction was issued to register the aforesaid FIR.*

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*Learned counsel for the petitioner has relied upon the decisions rendered by this Court in “ **Vikas Sharma vs. Gurpreet Singh Kohli and another (supra)**, 2017, (3) L.A.R.584, **Microqual Techno Limited and others Vs. State of Haryana and another**, 2015 (32) RCR (Crl.) 790 and “**Rajneesh Khanna Vs. State of Haryana and another**” 2017(3) L.A.R. 555 wherein in an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the process of law.*

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*In view of the same, I find merit in the present petition and accordingly, present petition is allowed and the impugned*

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*order dated 24.10.2016 passed by Judicial Magistrate, 1st Class, Panchkula as well as FIR No.64 dated 15.02.2017 registered under Section 174-A of the Indian Penal Code at Police Station Sector-5, Panchkula and all other subsequent proceedings arising thereof, are hereby quashed.”*

9. A perusal of the above judgment would show that in a similar case where the FIR had been registered under Section 174-A IPC in view of the order passed in proceedings under Section 138 of the Act, while declaring the petitioner therein as a proclaimed offender, a co-ordinate Bench after relying upon various judgments observed that once the main petition under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, the continuation of proceedings under Section 174-A IPC is nothing but an abuse of the process of law. The said aspect was one of the main considerations for allowing the petition and setting aside the order declaring the petitioner therein as a proclaimed person as well as quashing of the FIR under Section 174-A IPC.

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 174A I.P.C. Shall be abuse of the process of court.*

*7. 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.”*

10. 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 IPC shall be an abuse of the process of court. A similar view has been expressed by this Court in “Anil Kumar Versus Jitender Kumar and another, CRM-M-5878-2022 decided on 06.04.2022”, “Anil Kumar Versus Jitender Kumar and another, CRM-M-5755-2022 decided on 06.04.2022” and “Varinder Kumar @ Virender Kumar Versus State of Haryana and another, CRM-M-42551-2021 decided on 19.04.2022”.

11. In the present case, the proceedings emanating out of FIR No.411 dated 12.11.2014 (Annexure P-1) under Section 420/120B IPC Police Station City Tarn Taran, District Tarn Taran have culminated in a settlement with the quashing of the FIR on the basis of a compromise.

12. In view of the above, the present petition is allowed and subject to a deposit of Rs.25000/- with Spinal Rehab Centre, Chandigarh Plot No. 1, Madhya Marg, Sector 28-A, Chandigarh, FIR No.202 dated 04.10.2017 (Annexure P-6) registered under Section 174-A of IPC, 1860 at

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Police Station Sadar Tarn Taran along with all subsequent proceedings  
arising therefrom is hereby quashed.

07.08.2025

*Jitesh*

(JASJIT SINGH BEDI)  
JUDGE

Whether speaking/reasoned:-  
Whether Reportable:-

Yes/No  
Yes/No