

**CRM-M-53171-2019****-1-****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****249(1)****CRM-M-53171-2019****Date of decision: 12.12.2025****MANAV SHARMA****....Petitioners****Versus****STATE OF PUNJAB AND ANR****....Respondents****CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present:- Mr. H.S. Bath, Advocate
for the petitioner.

Mr. Amrit Pal Singh Gill, DAG, Punjab.

Mr. Ishan Kaushal, Advocate,
for respondent No.2.

RUPINDERJIT CHAHAL, J. (ORAL)

1. The instant petition under Section 482 of Cr.P.C. has been filed for quashing of order dated 10.03.2015 (Annexure P-2) passed by Ld. JMIC, Ludhiana in case FIR No.94 dated 01.08.2012 under Section 406 of Indian Penal Code, 1860, registered at Police Station Sarabha Nagar, District Ludhiana City, wherein the petitioner has been declared as proclaimed offender under Section 82 Cr.P.C.
2. At this juncture, learned counsel for the petitioner submits that since the main FIR is quashed by this Court vide order of even date passed in CRM-M-53182-2019, the order declaring the petitioner as proclaimed offender is not maintainable.



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3. Learned counsel for the respondent no.2 submits that he has no objection if the order declaring the petitioner a proclaimed offender is quashed.
4. Mr. Amrit Pal Singh Gill, DAG, Punjab puts an appearance and opposes the request of the petitioner by pointing that the petitioner has hoodwinked the process of law as such, his present petition deserves to be dismissed.
5. I have heard learned counsel for the parties and perused the record.
6. The pivotal question for consideration is whether continuation of proclamation proceeding would be justified, particularly when the original FIR, the very genesis of the proclamation order has since been quashed.
7. A Co-ordinate Bench of this Court in *Mohammad Hanif Attari v. State of Haryana* (CRM-M-51049-2019, decided on 06.07.2023), while relying upon earlier precedents including *Baldev Chand Bansal v. State of Haryana* (CRM-M-43813-2018, decided on 29.01.2019) and *Ashok Madaan v. State of Haryana 2020 (4) RCR (Criminal) 87*, has held that where the principal proceedings culminating in a proclamation order have been settled/withdrawn, continuation of prosecution would be an abuse of process of law.
8. The inherent jurisdiction vested in this Court under Section 482 Cr.P.C. (analogous to Section 528 BNSS) is designed to advance substantive

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justice and to prevent misuse of judicial process. The said power, being plenary in nature, obliges the High Court to harmonize the letter of the law with its spirit, ensuring that technicalities do not eclipse the ends of justice.

9. In the facts of the present case, it is not in dispute that vide order of even date passed in CRM-M-53182-2019, this Court has quashed the above mentioned FIR on the basis of compromise between the parties. In this backdrop, continuation of proclamation proceedings when the substratum of the dispute has been obliterated, would serve no fruitful purpose and would rather amount to unnecessary harassment of the petitioner as well as avoidable burden upon the judicial system.
10. Accordingly, the petition is allowed. Order dated 10.03.2015 (Annexure P-2) passed by Ld. JMIC, Ludhiana in case FIR No.94 dated 01.08.2012 under Section 406 of Indian Penal Code, 1860, registered at Police Station Sarabha Nagar, District Ludhiana City, declaring the petitioner a proclaimed offender is hereby quashed.
11. Pending miscellaneous applications, if any, stand(s) disposed of, accordingly.

12.12.2025*Gurpreet***(RUPINDERJIT CHAHAL)
JUDGE**

- i) Whether speaking/reasoned? Yes/No
ii) Whether reportable? Yes/No