

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

Crl. Misc. No.M- 9888 of 2014

Date of decision : 01.10.2015

Rattni and others

.....Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Gurcharan Dass, Advocate
for the petitioners.

Mr. R.S. Randhawa, Addl. AG, Punjab.

Mr. D.R. Punia, Advocate
for respondent no.2.

ANITA CHAUDHRY, J(ORAL

The instant petition is for quashing of FIR No. 23 dated 11.04.2012 registered under Sections 420, 494, 498-A & 120-B IPC, Police Station Women Cell, Jalandhar and the consequent proceedings arising out of the same, on the basis of written compromise arrived at between the parties.

Upon notice, the respondents had appeared and it had been informed that petitioner no. 4 had been declared proclaimed offender. It was also informed that petitioner no.4 was abroad. The case was adjourned to enable the petitioners to inform as to when petitioner no.4 would be coming to India.

On 13.08.2015, the counsel for the petitioner had placed on record copy of the air ticket and it had been stated that petitioner no.4 would be arriving in India on 18.08.2015. In view of this assurance, the concession of interim bail was given to petitioner no.4. Both parties were directed to appear before the Court below to get the statements recorded with respect to the compromise. The report was not received. On the last date, there was a request for adjournment.

Today counsel for the complainant states that petitioner no.4 had failed to appear before the Court.

Counsel for the petitioners states that petitioner no. 4 could not come. He further states that he withdraws the petition with respect to petitioner no.4.

Petitioner no.4 is a proclaimed offender. On the last date of hearing, it had been stated that he would be coming to India but despite the assurance, he failed to appear. Had there been any difficulty then information in this regard should have been given in advance. Despite an assurance, petitioner no.4 has failed to appear before the trial Court. Therefore, the petition qua petitioner no.4 is dismissed.

Report of the trial Court has been received after statements of the complainant and petitioners no.1 to 3 regarding the compromise were recorded. The trial Court has also sent copy of the statements of complainant & petitioners no.1 to 3.

In view of the statements and report of the trial Court and the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, approved by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303**, the instant petition is allowed and the aforesaid FIR and all consequent proceedings conducted on the basis thereof are quashed qua petitioners no.1 to 3 only.

Needless to say that parties shall remain bound by the terms of compromise and their statements made in the Court below.

01.10.2015
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(ANITA CHAUDHRY)
JUDGE