

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

Criminal Misc. No. M-3428 of 2016

Date of Decision:-12.04.2016

Lajjo Devi

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Sutikshan Sharma, Advocate
for the petitioner.

Mr. Manish Bansal, Deputy A.G., Haryana.

Ms. Jaideep Kaur, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.85 dated 19.4.2015, under Sections 420, 406 and 506 IPC, registered at Police Station Sadar, Yamunanagar including the order dated 4.1.2016 (annexure P-2) declaring the petitioner proclaimed offender along with all consequential proceedings arising therefrom on the basis of compromise dated 8.1.2016 (Annexure P-3).

Learned State counsel has filed the written statement

on behalf of Ajay Kumar, Deputy Superintendent of Police, Yamuna Nagar. Same is taken on record. Copy supplied to the counsel opposite.

Learned counsel for the petitioner contends that pursuant to the order dated 1.2.2016, the petitioner surrendered before the trial Court and has been admitted on bail. It is thereafter, the statements of the parties with regard to the compromise have been recorded.

Vide order dated 1.2.2016, this Court had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

In compliance of the order dated 1.2.2016, the parties have appeared before the learned Magistrate on 25.2.2016 for getting their statements recorded.

The report dated 3.3.2016 received from the learned Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri, reveals that the compromise has been effected between the parties without any undue pressure.

The statement of complainant Soni has been recorded to the effect that on 8.1.2016, the compromise has been effected between him and the petitioner and he does not want to pursue the matter against the petitioner any more.

Learned counsel appearing for respondent No.2 does

not dispute the fact of compromise effected between the parties.

Learned State counsel also does not dispute the aforesaid factual position, rather admits the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)** and as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.85 dated 19.4.2015, under Sections 420, 406 and 506 IPC, registered at Police Station Sadar, Yamunanagar including the order dated 4.1.2016 (Annexure P-2) declaring her proclaimed offender and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

April 12, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE