

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

**CRM No.M-44446 of 2016 (O&M)
Date of Decision: May 03, 2017**

Simarjit Kaur alias Simar Kaur

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Amit Dhawan, Advocate
for the petitioner.

Mr.B.S.Bhullar, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Saurav Khullar, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of order dated 10.03.2016 passed by learned Judicial Magistrate Ist Class, Jalandhar, whereby the petitioner has been declared as Proclaimed Offender in case FIR No.113 dated 19.07.2005 under Sections 452, 420 and 182 IPC registered at Police Station Lambra District Jalandhar, on the basis of compromise.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared.

I have heard learned counsel for the parties as well as learned

State counsel and have gone through the record.

As the compromise was effected between the parties, therefore, learned counsel for respondent No.2 did not object to the quashing of the order declaring the petitioner as Proclaimed Offender. Otherwise also, the petition for quashing of FIR in the present case on the basis of compromise is also fixed for today, which has been allowed and the FIR has been ordered to be quashed on the basis of the compromise.

It is stated in the present petition that petitioner is about 88 years of age and residing in England and facing several health problems due to her old age. It is also stated in the petition that even the concerned police has submitted supplementary challan under Section 173(8) Cr.P.C. declaring the petitioner as innocent in the present case. It is stated that petitioner is residing in England for the last 50 years along with her family.

Learned counsel for the petitioner argued that the petitioner was never informed or served personally in the present case and she was not aware that she is wanted by the concerned police in the present FIR.

In view of the fact that petitioner is residing in England and was never served and proclamation has been issued by the Court and in view of the fact that main accused have already been acquitted by the Court and compromise has already been effected between the parties and further, the petitioner has already surrendered before learned trial Court and has been released on interim bail in pursuance of the order passed by this Court, I find merit in the present petition and the same is allowed.

The impugned order dated 10.03.2016 passed by learned Judicial Magistrate Ist Class, Jalandhar, declaring the petitioner as

452, 420 and 182 IPC registered at Police Station Lambra District Jalandhar, is hereby quashed.

May 03, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No