

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-6534 of 2019
Date of Decision: April 30, 2019.

Hazari Lal

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: None for the petitioner.

Mr.Kuldeep Tiwari, Additional AG, Haryana.

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Anil Kshetarpal, J. (Oral)

The case has been called twice. Neither the petitioner nor his counsel is present.

As per the order dated 14.02.2019, parties were directed to appear before the Trial Court/Illaqa Magistrate on 15.03.2019 to get their statements recorded in respect of the compromise.

As per the report received from the Judicial Magistrate, 1st Class, Kaithal, the compromise, statements are not genuine and the co-accused is involved in many cases of fraud. The operative part of the report dated 01.04.2019 is extracted as under:-

“In view of the statement of the parties, which are on the same footings, does not seem right in any way. In this case, the present accused is the main accused and co-accused is the real brother of that accused. As the witnesses have admitted before the Court that they are only doing the compromise, because the complainant during his lifetime had agreed to do the same. The witnesses have stated that co-accused has been caught by the Madhya Pradesh Police and he is also involved in many fraud cases. Witnesses have also stated at bar that the accused Hajari Lal takes

₹15,00,000/- for the job of the Railways. When the Court asked from the witnesses that what is the base of the compromise, then all the witnesses have not answered the same. The witnesses have also stated before the Court that accused Hazari Lal had taken ₹46,50,000/- from them in installments and returned only ₹8,00,000/- to ₹10,00,000/-. The accused not only cheated the complainant, rather, the name of Government company, i.e., Indian Oil has been defamed. From the Court's perspective, this compromise is not genuine in any way, but a step to encourage the crime. The compromise statements of witnesses are also not genuine and not in any way to maintain the peace and harmony in the society. The report is accordingly submitted for the kind perusal of your lordship.

To be noted that:-

- i) Two accused Hazari Lal and Manish Kumar sons of Mukhtiar Singh were arrayed as accused in above said FIR.
 - ii) Accused Manish Kumar was declared as Proclaimed person vide order dated 25.04.2017;
 - iii) Compromise is not genuine.
- The report is accordingly submitted for the kind perusal of your lordship.”

It is thus apparent that the accused are alleged to have been involved in the offence of cheating the citizens of this country and crime alleged is against the society.

Hence, the present petition is dismissed.

April 30, 2019
mohinder

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

:
:

Yes/No
Yes/No