

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

CRM-M-12069 of 2016
Date of decision: 02.06.2016

Hardip Rai Tuli and others

----Petitioner (s)

V/s

State of Punjab and another

-----Respondent(s)

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.Amit Gupta, Advocate for
Mr. Vipin Mahajan, Advocate for the petitioners.

Mr.R.S. Nain, AAG, Punjab.

None for respondent No.2-complainant.

HARI PAL VERMA, J.(Oral)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No.46, dated 10.09.2015 under Sections 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Kalanaur, District Gurdaspur, Punjab (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

This Court vide order dated 07.04.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 07.04.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Gurdaspur and

got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 26.05.2016 to the effect that the parties have willfully settled their differences and reached at a bona fide compromise without any pressure and the same is genuine.

Though, today no one is present on behalf of respondent No.2-complainant, namely, Sukhdip Rai Tuli son of Sh. Lajwant Rai Tuli, but no prejudice would be caused to him, as he has already suffered a statement with regard to validity of the compromise before learned Magistrate on 23.05.2016. The said statement reads as under:-

“In the present case FIR No.46 dated 10.09.2015 was registered on my statement against the accused Hardeep Rai Tuli, Radha Krishan Tuli sons of Sh. Lajwant Rai Tuli, Arun Tuli son of Hardeep Rai Tuli and Nitin Tuli son of Radha Krishan Tuli, all residents of Village Kalanur and now I have entered into compromise with the accused with the intervention of the respectable persons of the village. I have entered into compromise with accused out of my free will and without any coercion, undue pressure or influence from any side. I have no objection if the FIR in the present case is quashed against the accused Hardeep Rai Tuli, Radha Krishan Tuli sons of Sh. Lajwant Raj Tuli, Arun Tuli son of Hardeep Rai Tuli and Nitin Tuli son of Radha Krishan Tuli.”

Apart from the above statement made by complainant/respondent No.2, whereby he has shown no objection to the FIR being quashed, there is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Learned counsel for the State does not dispute the factum of compromise arrived at between the parties.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)**, as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.46, dated 10.09.2015 under Sections 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Kalanaur, District Gurdaspur, Punjab (Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise (Annexure P-2).

02.06.2016**Anjal****[HARI PAL VERMA]
JUDGE**