

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-46377-2022 in/and
CRM-M-41082-2020 (O&M)
Date of Decision:- 05.12.2022

Sajan and others ... Petitioners

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Shiv C. Bhola, Advocate for
Mr. Rahul Sharma, Advocate, for the petitioners.

Ms. Swati Batra, DAG, Punjab.

Mr. Naresh Chander, Advocate for
Mr. Puneet Singla, Advocate, for respondents No.2 to 5.

GURVINDER SINGH GILL, J. (Oral)

CRM-46377-2022

In view of the reasons mentioned in the application, the same is allowed and the matter is preponed from 6.2.2023 and is taken on Board today itself.

Main case

1. The petitioners Sajan, Rupesh Kumar, Aman Sharma, Kuldeep Kumar and Mandeep Kumar have approached this Court seeking

quashing of FIR No.152 dated 21.9.2020, Police Station Khanna City-2, District Ludhiana, under Sections 451, 323, 427, 506, 148, 149 IPC, Sections 3 and 4 of Punjab Protection of Medicare Service Persons and Medicare Service Institution (Prevention of Violence and Damage to Property) Bill 2008 and Section 51 of Disaster Management Act 2005, (Sections 3 (1A) (a) (b) (c) of the Epidemic Diseases (amendment) Ordinance, 2020 added later on), and all subsequent proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

2. Vide order dated 9.12.2020, the parties had been directed to appear before the trial Court/Illaq Magistrate so as to get their statements recorded qua the factum of compromise.
3. Report of learned Judicial Magistrate 1st Class, Khanna, has been received, wherein it has been reported that the statements of petitioners/accused Sajjan, Rupesh Kumar, Aman Sharma, Kuldeep Kumar, Mandeep Kumar and complainant/victims Dr. Major Singh Jawanda, Sukhwinder Kaur, Ramesh Kumar and Gurpreet Kaur have been recorded to the effect that they have compromised the matter amongst themselves.
4. The complainant/victims Dr. Major Singh Jawanda, Sukhwinder Kaur, Ramesh Kumar and Gurpreet Kaur in their statements had stated that they have no objection in case the FIR in question is quashed.

5. The learned Judicial Magistrate 1st Class, Khanna, has specifically opined that the parties have entered into compromise voluntarily without there being any pressure, coercion or undue influence.
6. In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed and FIR No.152 dated 21.9.2020, Police Station Khanna City-2, District Ludhiana, under Sections 451, 323, 427, 506, 148, 149 IPC, Sections 3 and 4 of Punjab Protection of Medicare Service Persons and Medicare Service Institution (Prevention of Violence and Damage to Property) Bill 2008 and Section 51 of Disaster Management Act 2005, (Sections 3 (1A) (a) (b) (c) of the Epidemic Diseases (amendment) Ordinance, 2020 added later on) and all subsequent proceedings emanating therefrom are hereby quashed qua the petitioners.

05.12.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No