

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

CRM-M-52924-2021 (O&M)

Date of Decision: 06.05.2022

Sarabjit Singh & another

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Gurpreet Singh Dhillon, Advocate, for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Aayush Arora, Advocate, for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking quashing of FIR No.75 dated 15.05.2020 registered at Police Station Jamalpur, District Ludhiana, under Sections 341/427/506/188 and 34 IPC and all subsequent proceedings emanating therefrom on the basis of a compromise having been effected between the parties.
2. Vide order dated 17.12.2021, the parties had been directed to appear before the Illaqa Magistrate/trial Court so as to get their statements recorded qua the factum of compromise.
3. Report of learned Judicial Magistrate Ist Class, Ludhiana, has been received, wherein it has been reported that the statements of accused/petitioners, namely, Avtar Singh and Sarabjit Singh as also of complainant Sarabjit Kaur have been recorded to the effect that they have compromised the matter amongst themselves.

4. The complainant Sarabjit Kaur in her statement has stated that she has no objection in case the FIR in question is quashed.
5. The learned Judicial Magistrate Ist Class, Ludhiana, has specifically opined that the parties have entered into compromise voluntarily, out of free will, without any inducement, threat and pressure.
6. Although an offence under Section 188 IPC has also been added, but this Court finds that no public servant has been obstructed and the said offence has been added on account of the fact that occurrence in question had taken place when there were restrictions on movement on account of spread of pandemic Covid-19.
7. 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.75 dated 15.05.2020 registered at Police Station Jamalpur, District Ludhiana, under Sections 341/427/506/188 and 34 IPC and all subsequent proceedings emanating therefrom are hereby quashed qua the petitioners.

06.05.2022
Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**