

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

265

CRM-M-16916-2023

Date of decision: 04.07.2023

Sarabjit Singh alias Sabba and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : None for the petitioners.

Mr. Vinay Kumar Gupta, AAG, Punjab
for respondent No.1-State.

None for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.58 dated 16.03.2017 under Sections 323, 324, 148 and 149 of the IPC (Section 326 of the IPC added lateron) registered at Police Station Sultanwind, Tehsil and District Amritsar (Police Commissionerate Amritsar) and the consequential proceedings arising out of the same, on the basis of compromise dated 13.03.2023 (Annexure P-3) arrived at, between the parties.

2. Vide order dated 11.04.2023 of this Court, the parties were directed to appear before the learned Trial Court/Illaqa Magistrate on 11.05.2023 to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Judicial Magistrate Ist Class, Amritsar, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the

parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that he would have no objection if the FIR *qua* the accused-petitioners is quashed.

4. The Trial Court has annexed copies of statements of the parties alongwith its report.

5. Learned State counsel too submits that there are no other accused other than the petitioners and respondent No.2 is the only aggrieved person in the FIR in question.

6. In view of the report of the learned Judicial Magistrate Ist Class, Amritsar and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed.

7. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

04.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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