

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37429-2019

Date of decision: 16.09.2019

Joginder Singh

... Petitioner

Vs.

Sukhdev Singh Buttar

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. H.S. Randhawa, Advocate for
Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Iqbal Singh Mann, Advocate for the respondent.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of the order dated 16.08.2019 passed by the trial Court in complaint No.COMI-55-2016 dated 20.05.2016 titled as Sukhdev Singh Vs. Sukhjinder Kaur and ors., whereby an application filed by respondent-complainant Sukhdev Singh Buttar, for withdrawal of the complaint qua the petitioner, was dismissed.

Brief facts of the case are that the aforesaid complaint was filed by the respondent-complainant under Sections 501, 502, 120-B IPC. The trial Court, after summoning three persons, who were arrayed as accused, has framed the charges against them under Sections 501, 502, 120-B IPC. During pendency of the said complaint, the complainant entered into a compromise with petitioner-accused No.3 Joginder Singh. Thereafter, the trial Court, on an application moved by the complainant himself under Section 257 Cr.P.C. to withdraw the complaint qua the petitioner, recorded his statement. The

complainant in the statement dated 01.08.2019 stated that he want to withdraw the complaint against accused No.3 Joginder Singh, Editor-in-Chief of Rojana Spokesman and he has no objection in case accused Joginder Singh is ordered to be discharged. The trial Court, vide impugned order dated 16.08.2019, dismissed the application primarily on the ground that since the charges have been framed and offences are non-compoundable, therefore, it has no jurisdiction to compound these offences.

Learned counsel for the petitioner has referred to a Full Bench judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab, 2007 (3) RCR (Criminal) 1052**, wherein it is held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence, if the compromise has been effected between the parties and this Court can quash the proceedings.

Learned counsel for the respondent has fairly stated that there is a valid compromise between petitioner Joginder Singh and respondent-complainant Sukhdev Singh Buttar.

In view of the above, this petition is allowed and the impugned order dated 16.08.2019 (Annexure P-5) passed by the trial Court is set aside. The respondent-complainant is permitted to withdraw the aforesaid complaint qua petitioner Joginder Singh.

[**ARVIND SINGH SANGWAN**]
JUDGE

16.09.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No