

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

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**CRM-M-17191-2021(O&M)
Decided on :23.04.2021**

JASSA SINGH

. . . Petitioner(s)

Versus

STATE OF PUNJAB & OTHERS

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Mukesh Garg, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (Oral)

A prayer has been made for invoking the inherent jurisdiction of this Court under Section 482 Cr.P.C., for quashing of FIR No.247 dated 07.09.2020 under Sections 376, 366-A and 506 of the Indian Penal Code, 1860 read with Section 4 of the POCSO Act, registered at Police Station Samana, District Patiala (Annexure P-1) and all the consequential proceedings arising thereof on the basis of compromise dated 11.12.2020 (Annexure P-5) stated to have been arrived between the petitioner and respondent Nos.2 and 3.

Learned counsel contends that a false case was registered against the petitioner, which finds credence from the fact that the complainant-Jaswant Singh (father of victim), Karamjit Kaur (mother of victim) and the victim herself did not support the case of the prosecution during trial and were declared hostile. In support of his submissions, he has referred to their respective testimonies recorded before the trial Court

annexed as Annexures P-2, P-3 and P-4. Learned counsel has also invited the attention of this Court to a duly sworn in affidavit of the complainant annexed as Annexure P-5 dated 11.12.2020, wherein he has deposed that the FIR in question had been got registered on account of a misunderstanding. The learned counsel has thus prayed that in the wake of the aforementioned facts and circumstances, the FIR in question along with all consequential proceedings arising thereof may be quashed.

Heard and perused all the material on record.

Undoubtedly, the inherent powers of this Court under Section 482 Cr.P.C., are wide, but when a prayer is made for quashing of an FIR on the basis of a compromise, the power of a Court has to be exercised with great deal of circumspection and the provisions of Section 320 Cr.P.C., which are exhaustive of the circumstances and conditions under which offences can be compounded cannot be given a go-by. Section 320(9) Cr.P.C., in unambiguous terms provides that 'no offence shall be compounded except as provided by this Section'. The legislature in its wisdom and with a definite intent categorized the offences into compoundable and non-compoundable after considering the gravity of each offence. Hence, this characterization should not be allowed to be disturbed except of course in cases having an over whelming civil character like disputes arising out of commercial transactions, matrimonial disputes or family disputes where the parties have resolved the dispute among themselves as has been held by the Supreme Court in **State of Madhya Pradesh Vs. Laxmi Narayan & Ors, 2019(2) RCR(Criminal)255.**

Adverting to the case in hand and without going into the merits or demerits of the case of the prosecution or commenting upon the factum of

the complainant, mother of the victim and the victim not supporting the case of the prosecution, this Court cannot overlook the fact that the petitioner has been charged for and is facing trial for offences under Sections 376, 366-A and 506 of the IPC read with Section 4 of POCSO Act, which are excluded from the category of offences which can be compounded under Section 320 Cr.P.C. Moreover, a perusal of the allegations levelled in the FIR, prima facie do disclose the commission of offences attracting the mischief of the aforementioned Sections. This Court would therefore be loath to invoke the inherent jurisdiction of this Court under Section 482 Cr.P.C. to quash the FIR in question on the basis of compromise (Annexure P-5) stated to have been arrived at between the parties.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

April 23, 2021

S.Sharma(syr)

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