

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

Date of decision : 13.05.2022

**CRM No.10945 of 2022 in/and
CRM-M No.1141 of 2020**

Paramjeet Singh and others

....Applicants/Petitioners

Versus

State of Punjab and others

...Respondents

**CRM No.11024 of 2022 in/and
CRM-M No.586 of 2020**

Gurbachan Singh and others

.....Applicants/Petitioners

vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Saleem Akhter, Advocate for
Mr. Lakhwinder S. Mann, Advocate
for the applicants/petitioners (in CRM-M-1141-2020)
for the complainant/respondent No.3 (in CRM-M-586-2020)

Mr. Ajay Pal S. Gill, Dy. Advocate General, Punjab
for respondents No.1 and 2.

Ms. Shivya Sehgal, Advocate
for complainant/respondent No.3 (in CRM-M-1141-2020) and
for the applicants/petitioners (in CRM-M-586-2020).

PANKAJ JAIN, J. (ORAL)

**CRM No.10945 of 2022
CRM No.11024 of 2022**

The instant applications are for preponement of the date of
hearing in the main cases.

Notice of the applications.

Counsel opposite accepts notice and pleads no objection.

Accordingly, the applications are allowed and the main cases are taken on Board today itself.

**CRM-M No.1141 of 2020
CRM-M No.586 of 2020**

By way of these two petitions, the petitioners have approached this Court seeking quashing of FIR No.33 dated 28th March, 2019 under Sections 452/323/506/148/149 of the IPC registered at Police Station Koom Kalan, District Ludhiana and cross-version bearing *Roznamacha* No.29 dated 29th March, 2019 under Sections 324/323/506/148/149 of the IPC, of the same police station recorded at the behest of Harjinder Singh @ Rinku/ respondent No.3 (in CRM-M No.586 of 2020).

2. While issuing notice of motion in both the matters on 13th January, 2020, following order was passed :-

“Learned counsel for the petitioners state that FIR No.33 dated 28.03.2019 under Sections 452/323/506/148/149 IPC, Police Station Koom Kalan, District Ludhiana has been registered on the basis of the statement of Gurbachan Lal and cross-version case has been registered on the basis of the statement of Harjinder Singh @ Rinku.

Notice of motion for 17.04.2020.

At the asking of the Court, Mr. Rajesh Bhardwaj, Sr. DAG Punjab accepts notice on behalf of the State. Let the copy of the petitions be handed over to learned State counsel

during the course of the day.

Learned counsel for the complainant, on whose statement cross version case has been registered, admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 17.02.2020 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not.*
- 5. The trial Court is also directed to record the statement of the Investigation Officer as to how many victims/complainants are there in the FIR.*

A copy of the report be also sent through fax to the Registrar Judicial of this Court.

A photocopy of this order be placed on the file of other connected case.”

3. Pursuant to the aforesaid order, report dated 18th March, 2020 has been received from Ld. Judicial Magistrate 1st Class, Ludhiana, who has reported as under :-

“In view of the abovesaid statements of parties to litigation, it is apparent that the compromise between the parties has been effected voluntarily, without any threat or coercion and is genuine.”

4. Since both these matters are version and cross-version, Ld. Counsel, who is appearing for the petitioners in one case, also represents the complainant/respondent No.3 in cross-version case. Counsels admit the factum of parties having compromised and state that they have no objection in case the FIR and DDR/Roznamcha along with all proceedings subsequent therefrom against the petitioners are quashed.

5. However, Ld. State Counsel would submit that though as per the report of Trial Court, the parties have compromised but the fact remains that offences punishable under Sections 452, 148, 149 of the IPC are non-compoundable, hence the petitions should not be entertained.

6. In response thereto, Ld. Counsel for the petitioners has relied upon the judgment passed by the Supreme Court in **Criminal Appeal No.1489 of 2012**, titled as '**Ramgopal and another vs. The State of Madhya Pradesh**'. The relevant portion of the same reads as under : -

“11. True it is that offences which are ‘non-compoundable’ cannot be compounded by a criminal court in purported exercise of its powers under Section 320 Cr.P.C. Any such attempt by the court would amount to alteration, addition and modification of Section 320 Cr.P.C, which is the exclusive domain of Legislature. There is no patent or latent ambiguity in the language of Section 320 Cr.P.C., which may justify its wider interpretation and include such offences in the docket of ‘compoundable’ offences which have been consciously kept out as non compoundable. Nevertheless, the limited

jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C. The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press Section 482 Cr.P.C. in aid to prevent abuse of the process of any Court and/or to secure the ends of justice.”

7. Keeping in view the law laid down by Supreme Court and the fact that parties have compromised, FIR No.33 dated 28th March, 2019 under Sections 452/323/506/148/149 of the IPC registered at Police Station Koom Kalan, District Ludhiana and cross-version bearing *Roznamacha* No.29 dated 29th March, 2019 under Sections 324/323/506/148/149 of the IPC of the same police station, along with all consequential proceedings arising therefrom are hereby quashed/set aside.

8. Accordingly, the instant petitions are allowed.

May 13, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No