

255 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.1088 of 2020 (O&M)

Date of decision : 15.09.2022

Ram Singh

..... Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present :-Mr. Lakshya Goel, Advocate for
Mr. Yogesh Goel, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Ravinder Singh, Advocate for
Mr. N.P. Chandel, Advocate
for respondent No. 2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioner is seeking quashing of FIR No.345 dated 15.08.2010, registered for offences punishable under Sections 465/467/468/471 of the Indian Penal Code 1860 at Police Station Division No. 5, Civil Lines, Ludhiana City on the basis of compromise dated 16.12.2019 (Annexure P-2).

On 20.03.2020, the following order was passed :-

“Ld. counsel for the petitioner refers to Annexure P-2, and states that the matter has been amicably settled between the parties.

Notice of motion for 21.05.2020.

At this stage, Mr. Naresh Pal Chandel, Advocate appears and filed Power of Attorney on behalf of respondent No.2.

In this view of the matter, the parties shall appear before the trial Court/Illaqa Magistrate on the date fixed, i.e., 01.04.2020 for getting their statements recorded with regard to the compromise arrived at between them. Ld. trial Court/Illaqa Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. The Magistrate shall also report about the veracity of the compromise apart from informing the names and number of the accused involved and whether any of the accused has been declared proclaimed offender in the case.”

Pursuant to the aforesaid order, report from Judicial Magistrate Ist Class, Ludhiana has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“In compliance with the same, the parties i.e. complainant Gian Singh S/o Gurbachan Singh R/o VPO Partap Singh Wala, District Ludhiana as well as accused Ram Singh S/o Dalip Singh R/o Village Partap Singh Wala, Hambra Road, District Ludhiana have appeared before the court of undersigned on 1.9.2022 and their statements were recorded regarding compromise. In view of the statements so suffered by the parties, this Court is of the considered view that the parties have arrived at a volunteer compromise which is genuine and out of free will of the parties. Further, as per report of Ahlmad, there is only one accused namely Ram Singh S/o Dalip Singh R/o Village Partap Singh Wala, Hambra Road, District Ludhiana involved in this case and no accused is proclaimed offender in the present case”.

Mr. Ravinder Singh, Advocate, appears for respondent No.2, admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioners are quashed.

Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise dated 16.12.2019 (Annexure P-2) but the fact remains that offence punishable under Sections 465, 467, 468 and 471 of the IPC are non compoundable.

In response thereto, learned counsel for the petitioner relies 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 which 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.”

Keeping in view the law laid down by Supreme Court and the fact that parties have compromised, present petition is allowed. FIR No.345 dated 15.08.2010, registered for offences punishable under Sections 465/467/468/471 of the Indian Penal Code 1860 at Police Station Division No. 5, Civil Lines, Ludhiana City and all proceedings arising therefrom, are, hereby, quashed qua the petitioner.

(PANKAJ JAIN)
JUDGE

15.09.2022

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No