

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2029-2019

Date of decision : 07.09.2022

Raj Kumar

..... Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Rajdeep Singh Chugh, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Sahil Vashishat, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioner is seeking quashing of FIR No.0002 dated 04.01.2018, registered for the offences punishable under Sections 279, 337 and 338 of IPC at Police Station Division No.8, Police Commissionerate Ludhiana, on basis of panchayati compromise (Annexure P-2).

On 17.01.2019, the following order was passed:-

“Notice of motion.

Mr. Luvinder Sofat, AAG Punjab, accepts notice on behalf of the respondent-State. Let two copies of the petition be supplied to him during the course of the day.

Mr. Mohit Vashishat, Advocate accepts notice on behalf of respondent No. 2.

The matter pertains to quashing of FIR No. 2 dated 04.01.2018 registered under Sections 279, 337

and 338 IPC at Police Station Division No. 8, Police Commissionerate Ludhiana on the basis of compromise (Annexure P-2).

The parties are directed to appear before the trial Court/Illaq Magistrate on 25.02.2019 and get their statements recorded and thereafter the latter shall transmit its report to this Court regarding genuineness of compromise well before the next date of hearing.

Adjourned to 02.05.2019.”

Pursuant to the aforesaid order, report from JMIC, Ludhiana dated 03.09.2019 has been received, which is taken on record. Statements were recorded. Statement of victim stands recorded through Video Conferencing on 31.08.2019. As per the report, the compromise is result of free consent of both the parties and is without any pressure and coercion.

Mr. Sahil Vashishat, Advocate, appears for respondent No.2 and admits the fact of parties having compromised.

However, learned State counsel submits that though as per the report, the parties have compromised, but the fact remains that offence punishable under Section 279 of the IPC is 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.0002 dated 04.01.2018, registered for the offences punishable under Sections 279, 337 and 338 of IPC at Police Station Division No.8, Police Commissionerate Ludhiana and all proceedings arising therefrom, are, hereby, quashed qua the petitioner.

(PANKAJ JAIN)
JUDGE

07.09.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No