

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7585-2021

Date of decision : 12.09.2022

Yashpal and others

..... Petitioners

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Harsh Aggarwal, Advocate
for the petitioners.

Mr. Madhur Sharma, AAG, Punjab.

None for respondent No.2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No.151 dated 22.09.2020, registered for the offences punishable under Sections 420, 465, 467, 468, 471 and 120-B of IPC at Police Station Civil Lines, Bathinda, on basis of compromise deed dated 05.02.2021 (Annexure P-2).

On 18.02.2021, the following order was passed:-

“[1.]. This petition filed under Section 482 Cr.P.C. seeks quashing of FIR No. 151 dated 22.09.2020 under Sections 420, 465, 467, 468,471, 120-B IPC registered at Police Station Civil Lines, Bathinda (Annexure P-1), and all subsequent proceedings arising therefrom, on the basis of compromise.

[2]. Ld. counsel for the petitioners refers to compromise-Annexure P-2, and states that the matter has been amicably settled between the parties.

[3]. Notice of motion.

[4]. Mr. B.S. Sewak, Additional Advocate General, Punjab to accept notice on behalf of respondent No.1. Let a copy of the paperbook be supplied to him.

[5]. There is no representation on behalf of respondent No.2. Still, at the own risk of petitioner, in view of compromise, Annexure P-2, the parties are directed to appear before the Trial Court/Illaq Magistrate on 10.03.2021 for getting their statements recorded with regard to the compromise arrived at between them. Ld. Trial Court/Illaq 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.

[6]. List on 19.05.2021 .”

Pursuant to the aforesaid order, report from Chief Judicial Magistrate, Bathinda dated 22.03.2021 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

In view of the statements suffered by the parties, the statements of parties appears to be bonafide. The statements have been suffered by the parties out of their free will and same are not the result of any pressure, undue influence or coercion in any manner. Further in view of statement of complainant as well as Investigating Officer, present FIR was registered against three accused namely Yashpal son of Ram Niwas, Rekha Rani wife of Yashpal, Chhavi Singla

daughter of Yashpal and no accused has been declared proclaimed offender.”

Learned State counsel submits that though as per the report, the parties have compromised, but the fact remains that offences punishable under Sections 465, 467, 468 and 471 of the IPC are non compoundable.

In response thereto, learned counsel for the petitioners 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.151 dated 22.09.2020, registered for the offences punishable under Sections 420, 465, 467, 468, 471 and 120-B of IPC at Police Station Civil Lines, Bathinda and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

(PANKAJ JAIN)
JUDGE

12.09.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No