

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

CRM-M-8023-2022

Date of decision : 22.08.2022

Sukhdev Singh and others

..... Petitioners

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. G.S. Sidhu, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. D.S. Virk, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No.0074 dated 02.06.2018 registered for the offences punishable under Sections 147, 149, 341, 427 and 506 IPC at Police Station Barara, District Ambala, on the basis of compromise deed dated 01.02.2022 (Annexure P-2).

On 24.02.2022, the following order was passed:-

“By filing this petition, quashing of FIR No.0074 dated 02.06.2018 under Sections 147,149,341,427,506 IPC registered at P.S Barara, District Ambala and all other subsequent proceedings arising therefrom has been sought on the basis of compromise.

Learned counsel for the petitioner submits that petitioner No.8 is residing in Australia and the compromise is signed by his Power of Attorney.

Notice of motion.

Mr. Saurabh Girdhar, AAG, Haryana and Sh. D.S. Virk, Advocate accept notice on behalf of respondent No.1-State and respondent No.2 respectively.

Parties may appear before concerned trial Court/Illaq Magistrate on 09.03.2022 or on any other date convenient to trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise. The original compromise shall be produced before trial Court/Illaq Magistrate. In the event of their statements being recorded, trial Court/Illaq Magistrate will send copies of the same to this Court before the next date of hearing along with its report:

- i) regarding genuineness and voluntary nature of the compromise;
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and
- iii) whether any other proceeding is pending against the accused/petitioners.

Adjourned to 31.05.2022.”

Pursuant to the aforesaid order, report from JMIC, Ambala dated 11.03.2022 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

As such, from the statements of the parties, I am of the opinion that the compromise is genuine, voluntary and without any coercion or undue influence. Original copies of statements of the parties & SI Naresh Kumar alongwith photo-state copies of the Adhar-card, photocopy of compromise deed and

photocopy of the original power of attorney executed in favour of Advocate Vipinjot Singh are enclosed herewith for consideration of the Hon'ble High Court, please.”

Mr. D.S. Virk, 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 Sections 147 and 149 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.0074 dated 02.06.2018 registered for the offences punishable under Sections 147, 149, 341, 427 and 506 IPC at Police Station Barara, District Ambala and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

(PANKAJ JAIN)
JUDGE

22.08.2022

Dinesh

Whether speaking/reasoned

Yes

Whether Reportable :

No