

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

CRM-M-8160-2021 (O&M)

Date of Decision: 11.05.2022

DAVINDERPAL SINGH AND ANR

....Petitioners

VERSUS

STATE OF PUNJAB AND ANR

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN.

Present: Mr. Mohit Sadana, Advocate, for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Raj Kumar Karanwal, Advocate for respondent No.2.

PANKAJ JAIN, J. (Oral)

The petitioners have approached this Court seeking quashing of FIR No.149 dated 13.12.2019 under Sections 498-A, 354, 323, 506 and 34 of IPC registered at Police Station Longowal (Annexure P-1) on the basis of compromise (Annexure P-2).

On 22.02.2021, the following order was passed:-

“The case has been taken up for hearing through video-conferencing.

Prayer made in this petition is for quashing of FIR as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion for 12.05.2021.

In the meanwhile, parties would appear before the Illaqa Magistrate on 02.03.2021 for recording their statements. The concerned Court would file its report in the context of validity and genuineness of the compromise in question. The Court shall make a report in respect of antecedent behaviour of criminal activity of the accused and also with regard to total number of accused involved in the case and his/their status of being proclaimed offender/person.”

In pursuant to the aforesaid order, report has been received from Chief Judicial Magistrarte, Sangrur wherein it has been stated that:

1. The compromise is valid and genuine and has been freely entered into by the parites without any undue influence, coercion or pressure of any kind.
2. As per record and statement of IO, no case is pending against accused persons.
3. As per record and statement of IO, total two accused persons are involved in this case.
4. No proclamation proceedings have been intiatiated against any of the accused persons

Learned counsel for respondent No.2 admits the fact of parties having compromised the matter.

However, learned State counsel submits that though as per the report, the parties have compromised, but the fact remains that offences punishable under Section 498-A of the IPC are non compoundable.

In response thereto, learned 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 ‘noncompoundable’ 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, the present petition is allowed. FIR No.149 dated 13.12.2019 under Sections 498-A, 354, 323, 506 and 34 of IPC registered at Police Station Longowal (Annexure P-1) and all proceedings subsequent thereto are hereby quashed.

11.05.2022**kv****(PANKAJ JAIN)****JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*