

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

CRM-M-8001-2022

Date of decision : 16.08.2022

Gagandeep Singh and another

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. S.S. Grewal, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, DAG, Punjab
for respondent No.1/State.

Mr. S.K. Sirsa, Advocate
for respondent No.2/complainant.

PANKAJ JAIN, J. (ORAL)

The petitioners have approached this Court seeking quashing of FIR No.134 dated 17.08.2018, under Sections 295-A, 427, 34 of the Indian Penal Code, 1860, registered at Police Station Haibowal, District Ludhiana (Annexure P-1) on the basis of Panchayati Compromise dated 14.02.2022 (Anneuxre P-2) .

2. On 24.02.2022 , the following order was passed :-

“Though matters were being taken up through physical hearing mode today, this matter has been taken up through video conferencing on specific request of the learned counsel and in terms of circular dated 14.09.2021.

Instant petition has been filed seeking quashing of FIR No.134 dated 17.08.2018 under Sections 295-A, 427 and 34

of the IPC registered at Police Station Haibowal, District Ludhiana, Punjab and all other consequential proceedings arising therefrom on the basis of compromise dated 14.02.2022 (Annexure P-2).

Notice of motion.

Ms. A.K. Khurana, DAG Punjab appears and accepts notice on behalf of respondent-State.

Mr. Amardeep Singh Mann, Advocate appears on behalf of respondent No.2 and undertakes to file his power of attorney in the Registry of this Court. He admits the execution of the compromise effected between the parties.

Let the parties appear before the Illaqa Magistrate/trial Court on 02.03.2022 to get their statements recorded as to genuineness of the compromise executed between the parties.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;*
- (ii) Whether any accused is proclaimed offender;*
- (iii) The stage of trial/proceedings;*
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.*

To come up for further consideration on 30.03.2022.

Response, if any, may also be filed by the State on or before the adjourned date.”

3. In pursuant to the aforesaid order, report has been received from Judicial Magistrate 1st Class, Ludhiana, who has reported as under :-

“8. From the statements suffered by the above stated parties, I am satisfied that the complainant Amita Walia and accused Mandeep Singh and accused Gagandeep Singh have

voluntarily entered into compromise with each other and it appears to be genuine one, voluntarily and without any coercion or undue influence. As such, a valid compromise has been arrived at between the parties. The queries in the order dated 24.02.2022 passed by the Hon'ble Punjab and Haryana High Court are answered as under :-

i) Two persons namely Mandeep Singh and Gagandeep Singh are arrayed as accused in FIR.

ii) None of the accused has been declared as a proclaimed offender in this case.

iii) The case is at the beginning stage i.e. for notice to accused, after presentation of challan/report u/s 173 Cr.P.C.

iv) The compromise is genuine, voluntarily and without any coercion or undue influence.

Hence, my report to be placed before Hon'ble Mr. Justice Vinod S. Bhardwaj, Judge, Punjab and Haryana High Court, Chandigarh, as directed."

4. Learned counsel appearing for respondent No.2/complainant admits the fact of the parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the present petitioners are quashed.

5. However, Ld. State Counsel submits that though as per the report the parties have compromised but the fact remains that offence punishable under Sections 295-A of the IPC is non compoundable.

6. In response thereto, Ld. 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 ‘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.”

7. Keeping in view the law laid down by Supreme Court and the fact that parties have compromised, FIR No.134 dated 17.08.2018, under Sections 295-A, 427, 34 of the Indian Penal Code, 1860, registered at Police Station Haibowal, District Ludhiana (Annexure P-1) and all proceedings subsequent thereto are hereby quashed.

8. Accordingly, the petition is allowed.

August 16, 2022

Dpr

(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No