

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10756-2021

Date of decision : 18.08.2022

Sonu

..... Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Karan Dev Sharma, Advocate and
Mr. Gurneet Sagoo, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Jagjeet Singh, Advocate for
for respondent No.2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioner is seeking quashing of FIR No.865 dated 24.09.2016 registered under Sections 323, 324 and 506 IPC at Police Station, Hisar City, District Hisar, on the basis of compromise dated 01.02.2021 (Annexure P-2).

On 09.03.2021, the following order was passed:-

“Vide this petition under Section 482 of Cr.P.C. the petitioner prays for quashing of FIR No.865 dated 24.09.2016, registered under Sections 323, 324, and 506 of IPC at Police Station Hisar City, District Hisar (Annexure P-1) and all consequential proceedings, for, the parties have resolved their differences and a compromise dated 01.02.2021 (Annexure P-2) in this regard has since been effected.

Notice.

Mr. R.S.Jhand, Addl. A.G. Haryana, accepts notice on behalf of the State and waived service.

The parties are directed to appear before the Illaqua Magistrate/trial Court on 31.03.2021, for getting their statements recorded qua the execution and veracity of the alleged compromise.

The Illaqua Magistrate/trial Court, post recording statements of all the affected parties, shall submit a report on or before the adjourned date. And shall also furnish the following informations:-

1. Number of persons arrayed as accused.
2. Whether any accused is proclaimed offender.
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.
4. Whether the accused persons are involved in any other FIR or not.
5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

Adjourned to 20.04.2021.

Reply, if any, on behalf of the State be filed, in the meanwhile.

To be heard with CRM-M-9225-2021.”

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

“xx xx xx

From the above joint statement of the parties and Investigating Officer, it is apparent on record as follows:

1. Ms. Sonu is arrayed as only accused in the present FIR.
2. The accused is not a proclaimed offender.
3. The compromise is genuine, voluntary and without any coercion or undue influence.
4. Accused Ms. Sonu is not involved in any other FIR however, she is complainant in case FIR No.869 dated 25.09.2016, under Sections 323, 506, 34 IPC.
5. There is only victim/complainant in the present FIR.

Original joint statement of the parties dated 31.03.2021, original statement of Head Constable Jagdeep Singh dated 31.03.2021 and copy of zimni order dated 31.03.2021 are annexed herewith.

Report is submitted accordingly.”

Mr. Jagjeet Singh, 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 324 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.865 dated 24.09.2016 registered under Sections 323, 324 and 506 IPC at Police Station, Hisar City, District Hisar and all proceedings arising therefrom, are, hereby, quashed.

(PANKAJ JAIN)
JUDGE

18.08.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No