

CRM-M-9335-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(250)

CRM-M-9335-2022.
Date of Decision:-27.05.2022.

Satish Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sudhir Rana, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

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

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioner is seeking quashing of FIR No.296 dated 31.07.2019 registered under Sections 354-B, 452 and 506 of IPC at Police Station City Rewari, District Rewari, on the basis of compromise deed dated 30.12.2021 (Annexure P-2).

On 04.03.2022, the following order was passed:-

“Petitioner is seeking to quash FIR No. 296 dated 31.07.2019 under Sections 354-B, 452 and 506 of IPC 1860, registered at Police Station City Rewari, District Rewari on the basis of compromise.

Learned counsel for the petitioner contends that the petitioner and respondent No.2 are neighbours and the dispute

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has been amicably settled between them in terms of compromise, Annexure P-2.

Notice of motion.

Mr. Zorawar Singh Chauhan, DAG Haryana accepts notice on behalf of the State.

Mr. Ankit Mittan, Advocate appearing for Mr. Vishal Singh, Advocate has put in appearance on behalf of respondent No.2. He has filed his vakalatnama and admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 30.03.2022 or any other date, convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in FIR.*
- 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 case 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.*

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Adjourned to 27.05.2022, to await the report.”

Pursuant to the aforesaid order, report from Chief Judicial Magistrate, Rewari dated 04.04.2022 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“7. So, specifically it is replied that-

Q1. Number of persona arrayed as accused in FIR?

A One accused namely Satish Kumar only.

Q2. Whether any accused is proclaimed offender?

A No, as per record.

Q3 Whether the compromise is genuine, voluntarily and without any coercion or undue influence.

A Yes, compromise is genuine, voluntarily and without any coercion or undue influence.

Q4 Whether the accused persons are involved in any other case or not?

A As per record one another case FIR No.35 dated 28.01.2020 under Section 323/506 IPC, PS Sadar Narnaul, was registered against the accused Satish Kumar but vide judgment dated 08.10.2020, passed by the Court of the then CJM, Narnaul, the accused has been acquitted in the said case.

Q5. Statement of IO as to how many victims/complainants are there in the FIR?

A As per the statement recorded of ASI Suresh Kumar, Incharge, PP Kanod Gate, PS City Rewari, Usha Devi is the sole complainant/victim in this case.”

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Mr. Jagdeep Singh, Advocate appears for respondent No.2, 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 offences punishable under Sections 452 and 354-B 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 ‘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.”

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Keeping in view the law laid down by Supreme Court and the fact that parties have compromised, present petition is allowed. FIR No.296 dated 31.07.2019 registered under Sections 354-B, 452 and 506 of IPC at Police Station City Rewari, District Rewari and all proceedings arising therefrom, are, hereby, quashed.

(PANKAJ JAIN)
JUDGE

May 27, 2022.

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

Yes/No

Yes/No