

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7705-2019 (O&M)
Date of decision : 26.08.2022

Pardeep Singh @ Deepu and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sunil Agnihotri, Advocate
for the petitioners.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Karandeep Singh, Advocate for
Mr. Vishal Munjal, Advocate
for respondents No.2 to 4.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No.0110 dated 18.05.2018 registered for the offences punishable under Sections 452, 326, 324, 323, 506, 148 and 149 of IPC at Police Station Tanda, District Hoshairpur, on the basis of compromise dated 27.08.2018 (Annexure P-2).

On 08.07.2022, the following order was passed:-

“These two petitions are filed for quashing of the cross cases on the basis of compromise.

On 19th July, 2019 following order was passed:-

“Counsel for the parties are requested to file an affidavit before the next date of hearing with respect to following conditions:-

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 FIR or not, Parties are directed to remain present before this Court on the next date of hearing.

Adjourned to 14.08.2019.”

The order has not been complied with till date.

Learned counsel for the parties submit that parties be directed to get their statement recorded before the Illaqa Magistrate/Trial Court.

Let the parties are directed to appear before the Illaqa Magistrate/trial court on 20th July, 2022 for recording their statements, subject to cost of Rs.5,000/- be deposited with Poor Patient Welfare Fund of PGIMER, Chandigarh.

List on 18th August, 2022.

Photocopy of this order be placed on the file of connected case.”

Pursuant to the aforesaid order, report from JMIC, Dasuya dated 16.08.2022 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

Further, in case titled as “Sukhwinder Kumar & others Vs State of Punjab” complainant Saleem, injured Satpal, injured Jagtar Singh and accused Sukhwinder Kumar, Harmesh Kumar, Jagdesh @ deepu, Gurpreet Singh @ Rinku appeared and got recorded their statements. However, for accused Moti Lal, Sukhwinder Kumar has stated that he has died. He has placed on record copy of death certificate of

accused Moti Lal Ex.P1.

Statements of parties in both cases recorded except Moti Lal who has died. Copies of ID proof taken. Parties were duly identified by the respective counsels. Parties have stated that compromise has been effected between them. It is further stated that the same is genuine and has been executed voluntarily without any coercion or undue influence.”

Mr. Karandeep Singh, Advocate for Mr. Vishal Munjal, Advocate, appears for respondents No.2 to 4 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 offences punishable under Sections 452, 326, 324, 506, 148 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.0110 dated 18.05.2018 registered for the offences punishable under Sections 452, 326, 324, 323, 506, 148 and 149 of IPC at Police Station Tanda, District Hoshairpur and all proceedings subsequent thereto are, hereby, quashed qua the petitioners.

(PANKAJ JAIN)
JUDGE

26.08.2022

Dinesh

Whether speaking/reasoned Yes

Whether Reportable : No