

243 (2)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8109-2019

Date of Decision : 29.08.2022

Bakshish Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. G.S.Bajwa, Advocate
for the petitioners.
Mr. Madhur Sharma, AAG, Punjab.

Mr. G.S.Randhawa, Advocate
for Mr. Kanwaljeet Singh, Advocate
for respondents No.2 to 5.

PANKAJ JAIN, J(ORAL)

By way of present petition, the petitioners are seeking quashing of FIR No.194 dated 06.10.2014, registered under Sections 323, 324, 34 IPC (Sections 325, 427, 506 IPC added lateron), at Police Station C-Division, District Amritsar, on the basis of compromise dated 30.01.2019 (Annexure P-3).

On 22.02.2019, the following order was passed:-

“The present petition has been filed for quashing of FIR No.194 dated 06.10.2014 registered under Sections 323/324/34 IPC (Sections 325/427/506 IPC added later on) at Police Station C-Division, District Amritsar and all subsequent proceedings on the basis of compromise. Notice of motion for 07.05.2019. On asking of

the Court, Mr. Rajat Bansal, AAG, Punjab accepts notice on behalf of the State. Mr. Kanwaljeet Singh, Advocate accepts notice on behalf of the complainant- respondents No.2 and 3. Learned counsel for the petitioners is directed to supply copies of the paper book to the opposite counsel during course of the day. Let the parties now appear before the trial Court/Illaq Magistrate on 11.03.2019 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court/Illaq Magistrate is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The trial Court/Illaq Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal proceedings are pending against either of the parties or not, before the next date of hearing.”

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

“From the statements of the parties, it appears in the Court that the parties have been entered into compromise without any pressure, coercion, undue influence and same has done with the free consent of the parties. Since the compromise entered into by the parties with their own free will and without any pressure. Hence, the same is genuine, without coercion and undue influence. The copies of the statement of the parties are enclosed herewith.”

Mr. G.S.Randhawa, Advocate for Mr. Kanwaljeet Singh, Advocate appears for respondents No.2 to 5, admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioners are quashed.

However, learned State counsel submits that though as per the report, the parties have compromised, but the fact remains that offences punishable under Section 324 IPC is 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.194 dated 06.10.2014, registered under Sections 323, 324, 34 IPC (Sections 325, 427, 506 IPC added lateron), at Police Station C-Division, District Amritsar, and all proceedings subsequent thereto are hereby quashed qua the petitioners.

29.08.2022

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**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No