

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

CRM-M-8079-2019

Date of Decision : 29.08.2022

Niranjan Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. G.S.Randhawa, Advocate
for Mr. Kanwaljeet Singh, Advocate
for the petitioners.
Mr. Madhur Sharma, AAG, Punjab.

Mr. G.S.Bajwa, Advocate
for respondents No.2 to 5.

PANKAJ JAIN, J(ORAL)

By way of present petition, the petitioners are seeking quashing of DDR No.45 dated 08.10.2014, registered under Sections 452, 427, 506, 34 IPC in 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:-

“Contentends that the matter has been compromised between the parties.

Notice of motion.

Mr. G.S.Bajwa, Advocate appears on behalf of respondents no.2 to 5 and files vakalatnama, same is taken on record.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent no.1. Copy of the petition supplied to him.

Learned Counsel for the petitioners as well as respondents No.2 to 5 jointly stated that the matter has been compromised between the parties.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 14.03.2019 to get their statements recorded with reference to the compromise, if any, entered into between them. Learned Illaqa Magistrate/trial Court is requested to record the statements of all accused, complainant/injured and victim, if any and submit a report along with the recorded statements to this Court before the next date of hearing containing the following information:-

- (i) Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?
- (ii). Whether the compromise effected between the parties is genuine and valid?
- (iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).
- (iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.
- (v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.
- (vi) Whether any of the petitioner(s) is/are previous convict or not?.

List before this Court on 26.03.2019 for further consideration.

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”

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.Bajwa, 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. DDR No.45 dated 08.10.2014, registered under Sections 452, 427, 506, 34 IPC in 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
mamta

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No