

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

CRM-M-12637-2022

Date of decision : 05.09.2022

Jagdev Singh @ Jagga Singh and another

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Arshdeep S. Brar, Advocate
for the petitioners.

Mr. Madhur Sharma, AAG, Punjab
for respondent No.1/State

Mr. C.S. Jattana, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

The petitioners have approached this Court seeking quashing of complaint case No.143 of 2018 dated 26.09.2018 titled as 'Buta Singh vs. Jagga Singh and others', registered for the offences punishable under Sections 307, 326, 323, 148, 149 of IPC, at Police Station Nihal Singh Wala (Annexure P-1) on the basis of compromise dated 23.12.2021 (Annexure P-2).

2. On 19.04.2022, the following order was passed :-

“Instant petition has been filed under Section 482 of Cr.P.C. for seeking quashing of complaint No.143 of 2018 dated 26.09.2018 titled as Buta Singh Vs. Jagga Singh and others, under Sections 307, 326, 323, 148, 149 of IPC, Police

Station: Nihal Singh Wala on the basis of compromise dated 23.12.2021 (Annexure P-2).

Notice of motion.

Ms. A.K. Khurana, DAG, Punjab, who is present in the Court, accepts notice on behalf of respondent-State.

Mr. C.S. Jattana, Advocate appears and files power of attorney on behalf of respondent No.2 and admits the execution of the compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/Trial Court on 11.05.2022 or any other date convenient to the Court for recording their statements as to genuineness of the compromise executed between the parties.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;*
- (ii) Whether any accused is proclaimed offender;*
- (iii) The stage of trial/proceedings;*
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.*
- (v) Whether the compromise has been effected with all the accused persons and with all the complainant(s)/injured.*

To come up for further consideration on 15.07.2022.

Response, if any, may also be filed by the State on or before the adjourned date. ”

3. Pursuant to the aforesaid order, report has been received from the Additional Sessions Judge, Moga, who has reported as under :-

“The report sought is as follow:

- 1. As per complaint, two accused namely Jagga Singh son of Chhotu Singh and Raju son of Chhottu Singh have been arrayed as accused.*
- 2. As per report of Ahlmad, both accused have been appearing in this case and have not been declared proclaimed offender.*
- 3. From the statements of the parties and from the inquiries made from them, the compromise appears to be genuine, voluntary and without any coercion or undue influence*
- 4. There is only one complainant/injured as per complaint and statement of complainant, two accused are facing trial. The compromise has been effected between all accused persons and complainant/injured.”*

4. Learned counsel appearing for respondent No.2 admits the fact of the parties having compromised and states that he has no objection in case the complainant and all proceedings subsequent thereto against the present petitioners are quashed.

5. However, Ld. State Counsel submits that though as per the report the parties have compromised but the fact remains that offences punishable under Sections 307, 326, 148, 149 of the IPC, are non compoundable.

6. In response thereto, Ld. Counsel for the petitioners has relied 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 the same 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.”

7. Keeping in view the law laid down by Supreme Court and the fact that parties have compromised, complaint case No.143 of 2018 dated 26.09.2018 titled as 'Buta Singh vs. Jagga Singh and others', registered for the offences punishable under Sections 307, 326, 323, 148, 149 of IPC, at Police Station Nihal Singh Wala (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed *qua* the petitioners.

8. Accordingly, the petition is allowed.

September 05, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No