

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

CRM-M-8070-2019

Date of decision : 06.09.2022

Gurchet Singh and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Amit Arora, Advocate
for the petitioners.

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

Mr. Parminder S. Kanwar, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

The petitioners have approached this Court seeking quashing of FIR No.10 dated 15.01.2019, registered for the offences punishable under Sections 452/336/427/148/149 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959, at Police Station Sadar Tarn Taran, District Tarn Taran (Annexure P-1) on the basis of compromise dated 16.02.2019 (Anneuxre P-2) .

2. On 25.03.2019, the following order was passed :-

“It has been pointed out by both the sides that the matter has been compromised.

In view of the above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 24.04.2019 to record their statements with reference to the compromise, if

any, entered into between them.

Petitioners will file their respective affidavits that there is no other criminal case pending against them and also give the details of any other FIR(s), which have already been quashed on the basis of compromise.

Learned Illaqa Magistrate/trial Court will record the statements of all accused, complainant/injured and victim, if any, and submit a report alongwith the statements to this Court before the next date of hearing containing the following information:-

- (i) Whether the statements of the parties are bonafide 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 15.05.2019 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. ”

3. Pursuant to the aforesaid order, report has been received from Additional Chief Judicial Magistrate, Tarn Taran, who has reported as under :-

“It is further submitted that from the above statements of the parties so recorded by me, the compromise arrived at between the parties apparently appears to be a genuine compromise and is the voluntary act of the parties without there being any sort of pressure, threat and coercion from any corner and there is no PO proceedings pending against the accused persons.”

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 FIR 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 452, 336, 148, 149 of the IPC, are non compoundable.

6. In response thereto, Ld. Counsel for the petitioner_ 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, FIR No.10 dated 15.01.2019, registered for the offences punishable under Sections 452/336/427/148/149 of the IPC and Sections 25/27 of the Arms Act, 1959, at Police Station Sadar Tarn Taran, District Tarn Taran (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed *qua* the petitioners.

8. Accordingly, the petition is allowed.

September 06, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No