

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

**CRM-M No.8896 of 2020
Date of decision : 09.09.2022**

Rajesh Kumar and others

....Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Dhruv Gupta, Advocate
for the petitioners.

Ms. Dimple Jain, Asstt. Advocate General, Haryana
for respondent No.1/State.

Mr. Lalit Sharma, Advocate for
Mr. Chander Mohan Sehgal, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

The petitioners have approached this Court seeking quashing of FIR No.375 dated 28.10.2017, registered for the offences punishable under Sections 323/324/452/506 & 467/120-B (added later on) of the Indian Penal Code, 1860 (for short, 'the IPC'), at Police Station Baldev Nagar, District Ambala (Annexure P-1) on the basis of compromise dated 01.02.2020 (Annexure P-2) .

2. On 28.02.2020, the following order was passed :-

“This is a petition for quashing of FIR on the basis of compromise. It is stated that basically the FIR is out come of matrimonial dispute between petitioner No.2 – Sunita and her husband Vinay Kumar – respondent No.2 and now they have

resolved the said dispute amicably vide written compromise dated 1.2.2020. It is further stated that challan has since been filed and the case is fixed for 6.4.2020 for prosecution evidence. Notice of motion be issued for 11.5.2020. At this stage, Mr. Chander Mohan Sehgal, advocate has appeared on behalf of respondent No.2 by filing power of attorney, which be taken on record. He admits the factum of compromise between the parties. The parties are directed to appear in the trial Court within one month from today, so as to get their statements recorded regarding compromise. The trial Court is to ensure that the statements of the complainant as well as accused, are recorded and then to report whether it has been so done voluntarily, without any threat or coercion. It be also reported whether any of the parties has been declared proclaimed offender. Report in that regard be sent to this Court by the next date of hearing. The State counsel shall also get the genuineness of the compromise verified and inform the court in that regard.”

3. Pursuant to the aforesaid order, report has been received from Judicial Magistrate 1st Class, Ambala, who has reported as under :-

“Petitioners no.1 to 4 namely Rajesh Kumar, Sunita, Gopal Sharma and Mukesh @ Mannu vide their joint statement stated that matter has been compromised with complainant Vinay Kumar and copy of compromise is Ex.P1. They further stated that there is no other accused in the present case except the petitioners named above. They further prayed that aforesaid FIR be quashed in view of the compromise Ex.P1. Their separate joint statement was reduced into writing.

In view of the statement of the parties, it appears that

the parties have compromised the matter in dispute voluntarily and without any coercion or undue influence or pressure from any corner and the compromise Ex.P1 is genuine.”

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 324, 452, 467 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, FIR No.375 dated 28.10.2017, registered for the offences punishable under Sections 323/324/452/506 & 467/120-B (added later on) of the IPC, at Police Station Baldev Nagar, District Ambala (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed *qua* the petitioners.

8. Accordingly, the petition is allowed.

September 09, 2022
Dpr

(PANKAJ JAIN)
JUDGE

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