

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

CRM-M-12026-2022

Date of Decision: 11.05.2022

DEEPA YADAV AND ANOTHER

....Petitioners

VERSUS

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN.

Present: Mr. Akshat Mittal, Advocate, for the petitioners.

Ms. Sheenu Shura, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

The petitioners have approached this Court seeking quashing of FIR No.33 dated 23.02.2019, registered at the instance of petitioner No.1 against the petitioner No.2 under Sections 34, 498-A and 506 of IPC at Women Police Station Gurugram (Annexure P-1) on the basis of compromise.

On 22.03.2022, the following order was passed:-

"The matter has been taken up for hearing through video conferencing.

Notice of motion.

Mr. Sumit Jain, Addl. A.G., Haryana accepts notice on behalf of respondent No.1-State.

Learned counsel for the petitioners undertakes to supply a complete set of the paper book to learned State counsel during the course of the day.

Through the present petition jointly filed by petitioner No.1-Wife and petitioner No.2-husband under Section 482 Cr.P.C., they seek quashing of FIR No. 33 dated 23.02.2019 got registered by petitioner No.1 under Section 34, 498-A, 506 IPC at Women Police Station, Gurugram on the strength of a written compromise.

Both the petitioner through their counsel are directed to appear before the Illaqa Magistrate/trial Court on 01.04.2022 to get their statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the trial Court would furnish to this Court its report alongwith the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise, if any, between the parties. The Illaqa Magistrate/trial Court would also apprise this Court whether all the accused are party to the compromise and whether any of the accused have even been declared proclaimed offender(s) and if is there any other criminal case pending against them.

To await the report of the Illaqa Magistrate/trial Court, adjourned to 11.05.2022.

In pursuant to the aforesaid order, report has been received from Judicial Magistrate First Class, Gurugram wherein it has been stated that:

“ In view of the statemetns of the interested parties, I am satisfied that, they have compromised the matter amongst themselves without any fear or pressure and that the compromise has been voluntarily arrived at between them. Statement of compromise before this Court has only been made by the accused Pardeep (against whom challan was filed by the police) and by no other. Also this Court was directed to report as to whether the accused is proclaimed offender and whether there is any other case pending against him. On which report of IO was sought. Wherein it is submitted that the accused is not proclaimed offender in the said case. Statement of Investigating Officer is recorded wherein she has stated that no other case is pending against him in any court. Case is fixed at this stage of recording prosecution evidence.

Statement of the interested parties as well as report of IO in original and the report of the undersigned be sent to the Hon'ble High Court. The statements and report be also sent to the Hon'ble High Court through email/fax immediately before the next date of hering before the

Hon'ble High Court i.e. 11.05.2022. Copies of statements of the parties and the report be also retained on the file for record purposes.

Statements of the interested parties in original is enclosed herewith."

Learned State counsel submits that though as per the report, the parties have compromised, but the fact remains that offences punishable under Section 498-A of the IPC are non compoundable.

In response thereto, learned 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 'noncompoundable' 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, the present petition is allowed. FIR No.33 dated 23.02.2019, registered at the instance of petitioner No.1 against

the petitioner No.2 under Sections 34, 498-A and 506 of IPC at Women Police Station Gurugram (Annexure P-1) and all proceedings subsequent thereto are hereby quashed.

11.05.2022
kv

(PANKAJ JAIN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>