

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

CRM-M-14876-2022

Date of decision : 26.08.2022

Sumit and another

..... Petitioners

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Gurmeet Kaur, Advocate for
Mr. Shokeen Singh Verma, Advcoate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Ms. Jaspreet Kaur, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No.0002 dated 01.01.2022 registered for the offences punishable under Sections 148, 149, 323, 452 and 506 IPC (Section 25 of Arms Act deleted later on) at Police Station Urban Estate Rohtak, District Rohtak, on basis of compromise/affidavits dated 18.02.2022 and 25.03.2022 (Annexures P-2 and P-3).

On 07.04.2022, the following order was passed:-

“Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0002 dated 01.01.2022, under Sections 148, 149, 323, 452 and 506 IPC (Section 25 of Arms Act deleted later on) and subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion.

Mr. Saurabh Girdhar, AAG, Haryana and Ms. Jaspreet Kaur, Advocate accepts notice on behalf of respondents No.1/State and 2 and 3 respectively.

Parties may appear before concerned Illaqa Magistrate/trial Court on 25.04.2022 or on any other date convenient to the said Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the trial Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report:

- i) regarding genuineness and voluntary nature of the compromise;
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and
- iii) whether any other proceeding is pending against the accused/petitioners.

Adjourned to 27.07.2022.”

Pursuant to the aforesaid order, report from Additional Chief Judicial Magistrate, Rohtak dated 02.05.2022 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

(i) Whether the compromise is genuine, voluntary and out of free will of the parties?

Yes, the compromise arrived at between the parties is genuine, voluntarily and out of free will of the parties.

(ii) Whether all the accused/petitioners are appearing before the Court are on bail;

Accused persons are joined in investigation by the Investigating Officer and they are not on bail by the

Court.

(iii) Whether any other proceeding is pending against the accused/petitioners?

As per the report of Investigating Officer, no other proceeding is pending against the accused/petitioners.”

Ms. Jaspreet Kaur, Advocate, appears for respondent No.2 and admits the fact of parties having compromised.

However, learned State counsel submits that though as per the report, the parties have compromised, but the fact remains that offences punishable under Sections 148, 149, 452 and 506 of the IPC are 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. FIR No.0002 dated 01.01.2022 registered for the offences punishable under Sections 148, 149, 323, 452 and 506 IPC (Section 25 of Arms Act deleted later on) at Police Station Urban Estate Rohtak, District Rohtak and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

(PANKAJ JAIN)
JUDGE

26.08.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No