

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(246)

CRM-M-10572-2019

Date of Decision:- 04.04.2022

Ranjit Singh @ Noni and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Parminder Singh Kanwar, Advocate
for the petitioners.

Mr. P.S.Walia, AAG, Punjab
for the respondent No.1-State.

Mr. Amit Arora, Advocate
for the respondents No.2 to 6.

SUVIR SEHGAL, J. (Oral)

On 07.12.2021, this court passed the following order:-

“Prayer in this petition is for quashing of FIR No.170 dated 03.11.2016 under Sections 354, 342, 323, 148, 149, 506 IPC, 1860, (Sections 324, 325 IPC were added later on) registered at Police Station Dharamkot, District Moga, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that FIR, Annexure P-1, has been registered on account of altercation between the residents of the same locality. By making a particular reference to the accusation levelled in the FIR, he submits that though there are allegations that the ladies were dragged inside the house and their clothes got torn in the process, he urges that there was no intention to outrage their modesty and essential ingredients of Section 354 IPC are not satisfied. He submits that the dispute has been settled by virtue of compromise, Annexure P-2, and the parties have decided to give a quietus to the entire dispute.

Upon instructions from ASI Kuldeep Singh, State counsel has opposed the petition on the ground that the offence under Section 354 IPC is non-compoundable and cannot be permitted to be quashed on the basis of compromise.

Counsel representing the private respondents has supported the petition.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 22.02.2022 or any date within fortnight thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit a report on or before the next date of hearing specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused.*

Report of Illaqa Magistrate/trial Court be awaited for 04.04.2022.

Reply, if any, be filed by the State-respondent No.1 before the next date.”

Report has been received from the Trial Court pursuant to the above reproduced order, wherein it is reported that there are eight named accused and none has been declared as a Proclaimed Offender. Additionally, it is submitted that:-

“It is further submitted that the present case is at the stage of prosecution evidence. It is further submitted that complainant and all the injured/aggrieved persons have appeared before the Court of the undersigned and have suffered their statements in support of the compromise. It is further submitted that as per the statements of the parties, no other case is pending between them and as per the statements of the accused party, no other case is pending against them.

In view of the statement recorded of the parties, this Court is of the view that compromise effected between complainant Darshan Singh and injured Amarjit Kaur, injured Nishan Singh @ Mintu, injured Manpreet Kaur, injured Kirandeep Kaur and accused Ranjit Singh @ Noni, Kuljeet Singh @ Rinku, Inderjit Singh, Avtar Singh, Gurdeep Singh, Bharatjit Singh, Parveen Sharma @ Sunny, Surjit Singh @ Sunder, seems to be genuine, voluntary, out of free will and without any coercion or undue influence.”

A perusal of the FIR shows that the dispute had occurred between the parties, who are neighbors over a trivial issue, which has been settled, and the parties have decided to bury the hatchet. As the dispute, which is private in nature, has been amicably settled, this Court is of view that continuation of the criminal proceedings would be an exercise in futility and ends of justice would be served if these proceedings are set aside.

In *Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322*, Supreme Court has held that 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.

Accordingly, the petition is allowed. FIR No.170 dated 03.11.2016 under Sections 354, 342, 323, 148, 149 and 506 of the Indian Penal Code, 1860 (Sections 324 and 325, IPC were added later on), registered at Police Station Dharamkot, District Moga, Annexure P-1, along with all consequential proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

04.04.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No