

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17206-2022

Date of decision : 18.08.2022

Charan Singh and others

..... Petitioners

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Abhishek K. Premi, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No.109 dated 08.04.2021 registered under Sections 120-B, 419, 420, 467, 468 and 471 of IPC at Police Station Siwani, District Bhiwani, on the basis of compromise deed dated 30.03.2022 (Annexure P-2).

On 26.04.2022, the following order was passed:-

“Prayer in this petition is for quashing of the FIR in question on the basis of the compromise entered into between the parties.

Notice of motion.

At this stage, Mr. Himmat Singh, DAG, Haryana and Mr. Abhishek K. Premi, Advocate put in appearance and accept notice on behalf of the respondent-State and respondent No. 2/complainant. Learned counsel for respondent No. 2/complainant admits to the factum of compromise entered into between the parties.

List again on 18.08.2022.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statements with regard to compromise/settlement within a period of 30 days from today.

The trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information:

1. Number of persons arrayed as accused in FIR,
2. Whether any accused is proclaimed offender,
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence,
4. Whether the accused persons are involved in any other FIR or not.
5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”

Pursuant to the aforesaid order, report from Sub-Divisional Judicial Magistrate, Siwani dated 10.05.2022 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

Keeping in view the circumstances of case, oral as well as recorded statements of parties namely complainant Ajay Kumar, accused Sohan Lal, Vijay and Charan Singh, this Court is of the considered opinion that voluntarily and amicable settlement has been arrived at between them however, no amicable settlement has been arrived at between complainant

Ajay Kumar and accused namely Kamla Devi and Mangtu Ram Numberdar as they have not appeared before the court today.”

Mr. Abhishek K. Premi, 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 467, 468 and 471 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.109 dated 08.04.2021 registered under Sections 120-B, 419, 420, 467, 468 and 471 of IPC at Police Station Siwani, District Bhiwani, and all proceedings arising therefrom, are, hereby, quashed qua petitioners.

(PANKAJ JAIN)
JUDGE

18.08.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No