

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15769-2022

Date of decision : 25.08.2022

Tejveer Singh and others

..... Petitioners

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sandeep Goyat, Advocate for
Mr. Rajesh K. Sheoran, Advocate
for the petitioners.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Sandeep Saini, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No.130 dated 09.10.2021 registered for the offences punishable under Sections 382, 323, 201 and 34 IPC at Police Station Kiratpur Sahib, District Rupnagar, on the basis of compromise dated 07.04.2022 (Annexure P-3).

On 19.04.2022, the following order was passed:-

- “1. Notice of motion.
2. Mr. Bhupender Beniwal, AAG, Punjab, waives service on behalf of respondent No. 1-State.
3. Mr. Sandeep Saini, Advocate puts his appearance on behalf of respondent No. 2, and, files his power of attorney, which is taken on record.
4. Before proceeding to quash FIR No. 130 dated 9.10.2021, registered at Police Station Kiratpur Sahib, District Rupnagar, it is deemed appropriate to make

directions upon the Illaqa Magistrate concerned to, after summoning the petitioners, and, respondent No. 2, and, after his recording their respective testifications, with respect to the voluntariness, and also, with respect to the authenticity of the compromise drawn amongst them, as embodied in Annexure P-3, to make a report with respect to the compromise (supra).

5. The learned Magistrate is also directed to disclose in his report, (a) whether after completion of investigation, report under Section 173 Cr.P.C. has been filed; (b) whether charge has been drawn against the accused; (c) whether the prosecution evidence has commenced; and (d) whether all the concerned have signed the compromise deed.

6. The afore made report be ensured to be transmitted to this Court within three weeks.

7. For the afore purpose, list on 26.7.2022.

8. In view of the compromise, in respect whereof the learned Illaqa Magistrate is directed to transmit his report to this Court, therefore, he is restrained, till further orders, from taking up any further judicial proceedings, in respect of FIR (supra).”

Pursuant to the aforesaid order, report from JMIC, Sri Anandpur Sahib dated 30.04.2022 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

4. So, from the statements of the parties recorded in the Court on 26.04.2022 as noted above, it is respectfully submitted that the parties have entered into compromise voluntary and without any coercion or undue influence. Further, after perusing the judicial file, the report as sought by Hon'ble Punjab & Haryana

High Court is submitted as under:-

- (a) Report under Section 173 Cr.P.C. has been filed by the police on 03.03.2022 after completion of investigation for the offence under Sections 382, 323, 201 and 34 IPC (after deleting Sections 307 IPC and 25/27-54-59 of Arms Act);
- (b) Charge has been drawn against the accused on 31.03.2022;
- (c) Case is pending for evidence of the prosecution for 06.07.2022;
- (d) All the concerned have signed the compromise deed Ex.C1 as produced before this Court.”

Mr. Sandeep Saini, 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 382 and 201 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.130 dated 09.10.2021 registered for the offences punishable under Sections 382, 323, 201 and 34 IPC at Police Station Kiratpur Sahib, District Rupnagar and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

(PANKAJ JAIN)
JUDGE

25.08.2022

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Whether speaking/reasoned Yes

Whether Reportable : No