

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16621-2022

Date of decision : 18.08.2022

Sukhjinder Kaur and another

..... Petitioners

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Ramandeep Kaur, Advocate for
Mr. Rahul Bhargava, Advocate
for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

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

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No.115 dated 29.09.2015 registered under Section 420 IPC (Sections 467, 468 and 120-B IPC added later on) at Police Station Ramdas, District Amritsar, on the basis of compromise deed dated 11.03.2022 (Annexure P-2).

On 22.04.2022, the following order was passed:-

“Learned counsel refers to Annexure P-2 to contend that a compromise has been effected between the parties and prays for quashing of FIR No.115 dated 29.09.2015 registered under Section 420 IPC (Sections 467, 468 and 120-B IPC added later on) at Police Station Ramdas, District Amritsar.

Notice of motion for 18.08.2022.

At this stage, Mr. Dhruv Dayal, Sr. DAG, Punjab, accepts notice on behalf of the respondent-

State, whereas Ms. Arti Kaur, Advocate causes representation on behalf of respondent No.2 and admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on or before 04.07.2022 for recording their statements with regard to compromise/settlement. 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 case 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.

A copy of the report be also sent through fax to the Registrar Judicial of this Court.”

Pursuant to the aforesaid order, report from Judicial Magistrate 1st Class, Ajnala has been received, which is taken on record.

As per the report, the trial Court has recorded as follows:-

“xx xx xx

5. Respected Sir, from the aforementioned statements got recorded by the Court, it clearly appears that the compromise between the parties is genuine, voluntary and the same has been effected between the

parties without any pressure, coercion undue influence. Further, from the information made available before this Court, by the means of the statement of the incumbent IO ASI Ranjit Singh No.116/Amritsar (Rural), as per the police record, present case was registered by Harjinder Singh s/o Banta Singh against Sukhminder Kaur and Simranjit Singh @ Lali. However, during investigation, one person namely Nirmajit Singh was found involved in the alleged crime and only the said Nirmajit Singh was challaned. The accused Sukhminder Kaur and Simranjit Singh @ Lali were declared innocent in the police report, who are not reported to be declared as proclaimed offenders and were also not involved in any other case. As per the police record, one Harjinder Singh s/o Banta Singh was the only victim/complainant in the present FIR and except him, there was no other victim/complainant in the present FIR.

Report is submitted as desired, please.”

Ms. Arti 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 467 and 468 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.115 dated 29.09.2015 registered under Section 420 IPC (Sections 467, 468 and 120-B IPC added later on) at Police Station Ramdas, District Amritsar and all proceedings arising therefrom, are, hereby, quashed qua petitioners.

(PANKAJ JAIN)
JUDGE

18.08.2022
Dinesh

Whether speaking/reasoned

Yes

Whether Reportable :

No