

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

CRM-M-18183-2022

Date of decision : 05.09.2022

Tejinder Singh @ Teji Sidhu and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Anil Mehta, Advocate
for the petitioners.

Mr. Madhur Sharma, AAG, Punjab
for respondent No.1-State.

Mr. Simranjit S. Sidhu, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

The petitioners have approached this Court seeking quashing of FIR No.175 dated 09.05.2017, registered for the offences punishable under Sections 452, 324, 323, 427, 406, 147, 120-B of the Indian Penal Code, 1860 (Sections 307, 395, 397, 506, 148, 149 of the IPC deleted), at Police Station Zirakpur, District S.A.S. Nagar (Annexure P-1) on the basis of compromise/mutual agreement dated 13.04.2022 (Anneuxre P-2).

2. On 02.05.2022, 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. Joginder Pal Ratra, DAG, Punjab and Mr. S. S. Sidhu, 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 05.09.2022.

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. ”*

3. Pursuant to the aforesaid order, report has been received from Judicial Magistrate 1st Class, Dera Bassi, who has reported as under :-

“1. As per the statement of the Investigating Officer and as per record Seven accused are arrayed in the present FIR namely 1. Tejinder Singh @ Teji Sidhu 2) Dharminder Sharma 3) Yadvinder Sharma, all resident of Vill. Lohgrah, Zirakpur, SAS Nagar 4) Mandeep Singh 5) Gurcharan Singh @ Charanjit Singh 6) Jaipal Singh 7) Nikka, all r/o Vill. Lohgarh, Zirakpur, SAS Nagar.

2. *As per information of the I.O. and record none of the accused is declared proclaimed offender.*

3. *As per the statements recorded by the parties, this Court is of the considered opinion that the compromise effected between the parties is genuine, valid, voluntary and without any coercion or undue influence.*

4. *As per the statement of the Investigating Officer cases against accused Tejinder Singh @ Teji Sidhu bearing **FIR No.253** dated 20.09.2018, under Section 323, 427, 506, 148, 149 of IPC, P.S. Derabassi and **FIR No.282** dated 07.07.2020, under Section 188, 269, 270, 149 IPC, P.S.Zirakpur, **FIR No.309** dated 17.09.2016, under Sections 341, 323, 148, 149 IPC, P.S. Zirakpur, **FIR No.409** dated 24.10.2020, under Sections 419, 186 of IPC (Section 120B added lateron), P.S.Zirakpur and against Mandeep Singh bearing FIR No.282 dated 07.07.2020, under Section 188, 269, 270, 149 IPC, P.S. Zirakpur are pending.*

5. *As per statement of the Investigating Officer and as per record the complainant Satish Kumar s/o Bhikham Singh has lodged the present FIR. Further Desh Raj @ Suresh Kumar s/o Jwahar Lal is also victim in the present case."*

4. Learned counsel appearing for respondent No.2 admits the fact of the parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the present petitioners are quashed.

5. However, Ld. State Counsel submits that though as per the report the parties have compromised but the fact remains that offences punishable under Sections 452, 324, 147, 120-B of the IPC, are non

compoundable.

6. In response thereto, Ld. Counsel for the petitioners has relied 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 the same 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.”

7. Keeping in view the law laid down by Supreme Court and the fact that parties have compromised, FIR No.175 dated 09.05.2017, registered for the offences punishable under Sections 452, 324, 323, 427, 406, 147, 120-B of the Indian Penal Code, 1860 (Sections 307, 395, 397, 506, 148, 149 of the IPC deleted), at Police Station Zirakpur, District S.A.S. Nagar (Annexure P-1) and all proceedings subsequent thereto are hereby

quashed *qua* the petitioners.

8. Accordingly, the petition is allowed.

September 05, 2022
Dpr

(PANKAJ JAIN)
JUDGE