

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

CRM-M-21035-2021

Date of decision : 28.02.2022

Rajesh Kumar @ Raja and another

..... Petitioners

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Roja Agnihotri, Advocate
for the petitioners.

Mr. Sandeep Vermani, Addl. A.G. Punjab.

Mr. Anil Kumar Garg, Advocate
for respondent No.2.

(Through Video Conferencing)

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No.29 dated 26.02.2015 registered under Sections 408 and 120-B IPC at Police Station Morinda, District Rupnagar, on the basis of compromise deed dated 08.04.2021 (Annexure P-2).

On 02.07.2021, the following order was passed:-

“Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR No. 29 dated 26.02.2015 under Sections 408 and 120-B IPC, registered at police Station Morinda, District Rupnagar and all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Notice of motion.

Mr. Sarabjit Singh, AAG, Punjab accepts notice on behalf of respondent No.1 and Mr. Anil Kumar Garg, Advocate accepts notice on behalf of respondent No.2.

Parties may appear before concerned trial Court/Duty Magistrate on 18.08.2021 or on any other date convenient to the said Court to get their statements recorded with regard to the compromise. The original compromise shall be produced before Trial Court/Duty Magistrate. In the event of their statements being recorded trial Court/Duty Magistrate will send copies of the same to this Court before the next date of hearing along with his/her report:

- i) regarding genuineness and voluntary nature of the compromise;
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and
- iii) whether any other proceeding is pending against the accused/petitioners.

Adjourned to 14.10.2021. ”

Pursuant to the aforesaid order, report from JMIC, Rupnagar dated 23.09.2021 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“From the statements, recorded above, it appears that compromise is genuine and has been effected between the parties willfully and without any pressure or influence from any quarter.”

Mr. Anil Kumar Garg, Advocate appears for respondent No.2, 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 offence punishable under Section 120-B of the IPC is 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, I deem it appropriate to quash the FIR No.29 dated 26.02.2015 registered under Sections 408 and 120-B IPC at Police Station Morinda, District Rupnagar, and all proceedings arising therefrom.

Accordingly, the petition is allowed. The abovesaid FIR alongwith subsequent proceedings are hereby quashed.

(PANKAJ JAIN)
JUDGE

28.02.2022

Dinesh

Whether speaking/reasoned

Yes

Whether Reportable :

No