

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

CRM-M-41360-2018
Date of decision : 06.09.2022

Ritesh Handa

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Raj Mohan Singh, Advocate for
 Mr. Arpan Sabharwal, Advocate
 for the petitioner.

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

None for respondent No.2.

PANKAJ JAIN, J. (ORAL)

The petitioner has approached this Court seeking quashing of FIR No.268 dated 02.08.2018, registered for the offences punishable under Sections 177, 199, 200, 420, 120-B of the Indian Penal Code, 1860, at Police Station Division No.5, Police Commissionerate Ludhiana (Annexure P-1) and all proceedings subsequent thereto.

2. On 03.10.2018, the following order was passed :-

“Learned counsel for the petitioner states that the matter has been compromised between the petitioner and respondent No.2-complainant.

Notice of motion.

At this stage, Mr. Gagandeep Rana, Advocate has put in appearance on behalf of respondent No.2 and on instructions from his client, states that she has settled the dispute with the petitioner and has no objection in case the present FIR is quashed on the

basis of compromise qua the petitioner.

Accordingly, the present petition is converted into the petition for quashing of the FIR on the basis of compromise.

Adjourned to 18.12.2018.

Meanwhile, the parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 12.11.2018.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of the parties on or before the next date of hearing containing the following information as well:

- (i) Number of persons arrayed as accused in FIR;*
- (ii) Whether any accused is proclaimed offender; and,*
- (iii) Whether the compromise is genuine, voluntary, and without any coercion or undue influence. ”*

3. Pursuant to the aforesaid order, report has been received from Addl. Chief Judicial Magistrate, Ludhiana, who has reported as under :-

“Respondent No.2 Bhawna has got recorded her statement that she is in this case FIR No.268 of 2.8.2018 under Sections 177,199,200,420,120-B IPC, PS Division No.5, Ludhiana as said FIR was registered on her statement against three accused namely Ritesh Handa, Sushma Rani and Jai Ram. Now matter has been compromised between her and accused Ritesh Handa. She has stated that she compromised the matter voluntarily, with her free will, without any pressure from any side and she has no objection if the present FIR is quashed. Copy of her Adhar Card is Ex.C1. Thereafter, Ritesh Handa suffered a statement present case was registered by complainant Bhawna against him, Sushma Rani and Jai Ram, now matter has been compromised between him and Bhawna. Thereafter, ASI Malkit Singh was called who suffered a statement he is Investigating Officer in this case, this case was registered on the statement of Bhawna against three accused namely Ritesh Handa, Sushma Rani and Jai Ram and no accused

is proclaimed offender in this case.

3. *In view of the referred above statements and after hearing the parties and Investigating Officer, report is submitted as under:-*

(i) Three accused namely Ritesh Handa, Sushma Rani and Jai Ram have been arrayed in the FIR;

(ii) no accused is proclaimed offender in this case; and

(iii) compromise is effected with accused Ritesh Handa only, compromise is genuine, voluntarily and without any coercion or undue influence”

4. Respondent No.2 has remained unrepresented. Though, as per the report, she appeared before the Concerned Magistrate and suffered a statement admitting the fact of there being compromise between the parties.

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 177, 199, 200 and 120-B, are non compoundable.

6. In response thereto, Ld. Counsel for the petitioner 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.268 dated 02.08.2018, registered for the offences punishable under Sections 177, 199, 200, 420, 120-B of the IPC, at Police Station Division No.5, Police Commissionerate Ludhiana (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed *qua* the petitioner.
8. Accordingly, the petition is allowed.

September 06, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No