

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

CRM- M-24636-2022

Date of decision : 06.09.2022

Jmeel Mohamed and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Naresh K. Manchanda, Advocate
for the petitioners.

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

Mr. Sahil Chowdhary, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

The petitioners have approached this Court seeking quashing of case FIR No.20 dated 20.09.2018, registered for the offenses punishable under Sections 186, 353, 332 and 34 IPC, at Police Station Kheri Nodh Singh, District Fatehgarh Sahib (Annexure P-1) on the basis of compromise dated 16.03.2021 (Anneuxre P-2).

2. On 01.06.2022, the following order was passed:

"By filing this petition, quashing of FIR No.20 dated 20.09.2018 under Sections 186,353,332 and 34 IPC, registered at Police Station Kheri Nodh Singh, District Fatehgarh Sahib and all other consequent proceedings arising therefrom has been sought on the basis of compromise.

Notice of motion.

Mr.R.S.Khaira, AAG Punjab, accepts notice on behalf of respondent No. 1-State, Mr.Sahil Chowdhary, Advocate has caused appearance on behalf of respondent No.2 and filed his vakalatnama

Parties may appear before concerned trial Court/Duty Magistrate on 07.07.2022 or on any other date convenient to the said Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with his 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 06.09.2022.”

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

"Regarding genuineness and voluntary nature of the compromise;

- In this regard, it is respectfully submitted that from the perusal of the statements of the complainant and above said accused persons and compromise deed dated 16.03.2021, it transpires that compromise has been entered into between the affected parties and which is without any pressure or undue influence and out of their own free will.

2. *Whether all the accused/ petitioners are appearing*

before the Court or are on bail.

- *In this regard, it is again respectfully submitted that IO SI Supinder Singh, No.02, FGS, has also appeared before this court and has also got recorded his statement that the present FIR was got registered by Balihar Singh son of Sarwan Singh complainant against accused Jameel Mohammed and Manpreet Singh. In the above said FIR, accused Jmeel Mohammed and Manpreet Singh are on bail and challan has already been presented in court. Except the above said proceedings, against the accused, no other proceedings are pending, as per his knowledge."*

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 offenses punishable under Sections 186, 353, 332 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.20 dated 20.09.2018, registered for the offenses punishable under Sections 186, 353, 332 and 34 IPC, at Police Station Kheri Nodh Singh, District Fatehgarh Sahib (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed *qua* the petitioners.

8. Accordingly, the petition is allowed.

September 06, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No