

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

CRM-M-27207-2022

Date of decision : 06.09.2022

Sunder @ Sunder Devi and others

....Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Pawan K. Hooda, Advocate
for the petitioners.

Mr. R.K. Ambavta, Asstt. Advocate General, Haryana
for respondent No.1/State.

Mr. Sunil K. Goswami, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

The petitioners have approached this Court seeking quashing of case FIR No.282 dated 08.06.2022, registered for the offences punishable under Sections 420, 467, 468, 471 of the Indian Penal Code, 1860 (for short, 'the IPC'), at Police Station Industrial Sector-29 Panipat, District Panipat (Annexure P-1) on the basis of compromise dated 15.06.2022 (Annexure P-2).

2. Reply by way of affidavit of Pardeep Kumar, HPS, Dy. Superintendent of Police, Crime Against Women, Panipat has been filed on behalf of respondent No.1/State today in Court. The same is taken on record.

3. On 07.07.2022, the following order was passed :-

“Instant petition has been filed under Section 482 of the Code of Criminal Procedure 1972 for seeking quashing of FIR No.282 dated 08.06.2022, under Sections 420, 467, 468, 471 of the IPC registered at Police Station Industrial Sector 29 Panipat, District Panipat (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 15.06.2022 (Annexure P-2).

Notice of motion.

Mr. Ashish Yadav, Addl. AG, Haryana appears and accepts notice on behalf of respondent-State.

Mr. Sunil Kumar, Advocate appears on behalf of respondent No.2 and admits the execution of the compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/Trial Court on 01.08.2022 or any other date convenient to the Illaqa Magistrate/Trial Court for recording their statements as to genuineness of the compromise executed between the parties.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of 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;*
- (iii) The stage of trial/proceedings;*
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.*
- (v) Whether the compromise has been effected with all accused persons and with all the complainant/injured.*

To come up for further consideration on 06.09.2022.

Response, if any, may also be filed by the State on or before the adjourned date. ”

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

“The report as desired by the Hon'ble High Court is hereby submitted as follows :-

I) There are three persons arrayed as accused in the FIR namely Sunder @ Sunder Devi, Naveen & Ram Mehar.

II) None of the accused has been declared as proclaimed offender.

III) Challan has not been filed by the police yet, however, the matter is pending for investigation.

IV) As per the statement suffered on behalf of complainant/victim, there is no pressure, threat or coercion upon the parties and compromise is genuine and voluntarily.

V) There are compromise have been effected between the all accused persons and complainant/victim.”

5. 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.

6. However, Ld. State Counsel submits that though as per the report the parties have compromised but the fact remains that offences punishable under Sections 467, 468, 471 of the IPC, are non compoundable.

7. 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.”

8. Keeping in view the law laid down by Supreme Court and the fact that parties have compromised, FIR No.282 dated 08.06.2022, registered for the offences punishable under Sections 420, 467, 468, 471 of the IPC at Police Station Industrial Sector-29 Panipat, District Panipat (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed *qua* the petitioners.

9. Accordingly, the petition is allowed.

September 06, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No