

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

CRM-M-27259-2019

Date of decision : 13.09.2022

Ravinder Kumar Saxena

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Kuldeep Singh, Advocate for
Mr. Rakesh Gupta, Advocate
for the petitioner.

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

Mr. Rahul Pathania, Advocate
for respondents No.2 to 4.

PANKAJ JAIN, J. (ORAL)

The petitioner has approached this Court seeking quashing of case FIR No.334 dated 05.09.2009 registered for the offences punishable under Sections 420, 465, 467, 468, 471, 474, 34 of the Indian Penal Code, 1860 (for short, the IPC), at Police Station Tripuri, District Patiala (Annexure P-1) on the basis of compromise dated 31.05.2019 (Annexure P-2) .

2. On 01.07.2019, the following order was passed :-

“In the present petition, petitioner has sought for quashing of FIR No.334 dated 05.09.2009 under Sections 420, 465, 467, 468, 471, 474, 34 IPC, registered at Police Station Tripuri, District Patiala (Annexure P-1) on the basis of compromise dated 31.05.2019 (Annexure P-2).

Counsel for the petitioner states that dispute was regarding plot of 200 sq. yards which has now been settled and plot has been transferred in the name of the complainant-Balwinder Kaur.

Notice of motion.

On the asking of the court, Mr.Rajat Bansal, Asstt. Advocate General, Punjab accepts notice on behalf of the State of Punjab.

Mr. Barjinder Singh, Advocate has put in appearance on behalf of respondents No.2 to 4.

In view of these factual aspects, the parties are directed to appear before the trial Court/Illaq Magistrate on 16.07.2019 for getting their statements recorded with regard to the compromise arrived at between them.

The learned trial Court is directed to indicate (i) how many total accused are facing the trial, (ii) status/stage of the trial/case, (iii) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise and (iv) to send its report to this Court through District and Sessions Judge, before the next date of hearing.

List this matter on 25.09.2019.”

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

“(1) At present, only one accused namely Ravinder Kumar Saxena is facing the trial. It is pertinent to mention here that initially, present case FIR was registered against four persons namely Ravinder Kumar Saxena, Davinder Kumar, Manwinder Singh and Balwinder Kaur but later on, during course of investigation, Manwinder Singh and

Balwinder Kaur have been declared innocent and they have been kept as witness in the list of witness furnished alongwith report U/s 173 Cr.P.C. and challan was presented against Ravinder Kumar Saxena and Davinder Kumar. However, accused Davinder Kumar could not be arrested and he was declared Proclaimed Offender and thus, now only accused Ravinder Kumar Saxena is facing trial in the present case.

(2) The Trial is at the stage of recording evidence of prosecution.

(3) The parties have arrived at a compromise voluntarily, without any coercion or threat and parties have rendered the statements before the court voluntarily, without coercion or threat, as per which, the compromise between the parties is genuine, voluntarily without any threat or coercion.”

4. Ld. Counsel appearing for respondent Nos.2 to 4 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 petitioner 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 465, 467, 468, 471, 474 of the IPC, 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.334 dated 05.09.2009 registered for the offences punishable under Sections 420, 465, 467, 468, 471, 474, 34 of the IPC, at Police Station Tripuri, District Patiala (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed *qua* the petitioner.

8. Accordingly, the petition is allowed.

September 13, 2022
Ps-I/Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No