

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29846-2019

Date of decision : 25.08.2022

Sunita

..... Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sandeep Goyat, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Sunny Namdev, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioner is seeking quashing of FIR No.82 dated 17.04.2018 registered for the offences punishable under Sections 406, 420, 467, 468 and 471 IPC at Police Station Agroha, District Hisar, on the basis of compromise deed dated 04.07.2019 (Annexure P-2).

On 18.09.2019, the following order was passed:-

“Learned counsel for the petitioner contends that matter has been compromised between the parties.

Adjourned to 29.11.2019.

Mr. Kanhiya Soni, Advocate, who is present in the Court, appears and files Memorandum of Appearance on behalf of respondent No.2 and the same is taken on record. He acknowledged the factum of compromise arrived at between the parties.

Requisite number of copies of the petition be supplied to learned counsel for the respondents during the course of the day.

Petitioner shall file his affidavit before learned trial Court that there is no other criminal case pending against him and also give the details of any other FIR(s), if any, which have already been quashed on the basis of compromise.

In view of above, let the parties be appeared before the Court of learned Illaqa Magistrate/trial Court on 01.10.2019 to record their statements with reference to the compromise, if any, entered into between them. Learned Illaqa Magistrate/trial Court will record the statements of all accused, complainant/injured and victim, if any and submit a report along with the statements to this Court, before the next date of hearing, containing the following information:-

- (i) Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?
- (ii) Whether the compromise effected between the parties is genuine and valid?
- (iii) Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?
- (iv) Whether any other case is pending against either of the parties or not, if yes, the details thereof?
- (v) Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?
- (vi) Whether any of the petitioner(s) is/are

previous convict or not?

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

A copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”

Pursuant to the aforesaid order, report from JMIC, Hisar dated 02.11.2019 has been received, which is taken on record.

Mr. Sunny Namdev, Advocate, appears for respondent No.2 and 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 offences punishable under Sections 467, 468 and 471 of the IPC are non compoundable.

In response thereto, learned counsel for the petitioner 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, present petition is allowed. FIR No.82 dated 17.04.2018 registered for the offences punishable under Sections 406, 420, 467, 468 and 471 IPC at Police Station Agroha, District Hisar, and all proceedings arising therefrom, are, hereby, quashed qua the petitioner.

(PANKAJ JAIN)
JUDGE

25.08.2022

Dinesh

Whether speaking/reasoned Yes

Whether Reportable : No