

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-40764-2021 (O&M)

Date of decision : 17.08.2022

Harpal Singh Saini

..... Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Alok Mittal, Advocate  
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Abhinav Sood, Advocate and  
Ms. Anmol Gupta, Advocate  
for respondent No.2.

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**PANKAJ JAIN, J. (Oral)**

By way of present petition, the petitioner is seeking quashing of FIR No.104 dated 17.03.2021 registered under Sections 120-B, 406, 420, 467, 468, 471 and 477-A of IPC at Police Station Faridabad Central, District Faridabad, on the basis of compromise dated 29.07.2021 (Annexure P-2).

On 29.04.2022, the following order was passed:-

**“CRM-15736-2022**

Instant application is filed for placing on record the latest compromise effected between the parties as Annexure P-5.

For the reasons stated in the application, same is allowed. Annexure P-5 is taken on record.

**CRM-M-40764-2021**

The parties are directed to appear before the Illaqa Magistrate/Trial Court on 24.05.2022 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 17.08.2022.

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

Pursuant to the aforesaid order, report from Additional Chief Judicial Magistrate, Faridabad dated 26.05.2022 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“3. On the basis of statements of the parties, compromise deed and police report, report of the undersigned on the required points is as follows:

- i) As per report received from the SHO/IO concerned, one person namely Harpal Singh Saini is arrayed as accused in FIR:

- ii) No accused is proclaimed offender in this case;
- iii) As per case file, case is fixed for investigation of the case and investigation is pending and charge-sheet is yet to be filed;
- iv) On the basis of the statements of the parties as referred above, and written compromise undersigned is of the view that parties to the petition in question have entered into a volunteer and authentic compromise.
- v) As per police report. there is only one complainant/victim namely Surender Kumar Vashishth and one accused namely Harpal Singh Saini. According to undersigned. compromise has been effected between all accused and complainant/injured of this case.  
Above report submitted please.”

Mr. Abhinav Sood, 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 406, 467, 468 and 471 of the IPC are non compoundable.

In response thereto, learned counsel for the petitioners 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.104 dated 17.03.2021 registered under Sections 120-B, 406, 420, 467, 468, 471 and 477-A of IPC at Police Station Faridabad Central, District Faridabad and all proceedings arising therefrom, are, hereby, quashed.

**(PANKAJ JAIN)**  
**JUDGE**

**17.08.2022**  
Dinesh

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable :      | No  |