

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

CRM-M-42008-2021

Date of Decision : 29.08.2022

Harjit Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Harinder Singh Sandhu, Advocate
for the petitioners.
Mr. Madhur Sharma, AAG, Punjab.

Ms. Gurjit Kaur, Advocate
for Mr. Lovdeep Sarin, Advocate
for respondents No.2 to 5.

PANKAJ JAIN, J(ORAL)

By way of present petition, the petitioners are seeking quashing of FIR No.137 dated 31.05.2021 registered under Sections 324, 323, 34 IPC (Section 3 of SC/ST Act added lateron) at Police Station, Sadar Patiala, District Patiala, on the basis of compromise dated 21.09.2021 (Annexure P-2).

On 05.04.2022, the following order was passed:-

“This is a petition under Section 482 Cr.P.C. for quashing of FIR No.137 dated 31.5.2021, under Sections 324, 323, 34 IPC (Section 3 of SC/ST Act added later on), registered at Police Station Sadar Patiala.

Notice of motion.

Mr. Amit Mehta, Senior DAG, Punjab and Ms. Lovedeep Sarin, Advocate appearing on advance notice accept the same on behalf of respondents No. 1 and 2 to 5 respectively.

The parties are directed to appear before the Illaqa Magistrate/trial court for recording their statements with regard to the compromise on 27.4.2022.

The trial court is directed to submit a report on or before the next date of hearing containing the following information:

- (i) Number of persons arrayed as accused in the FIR;
- (ii) Whether any accused is declared as proclaimed offender;
- (iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence.

List on 27.5.2022. ”

Pursuant to the aforesaid order, report from Addl. Chief Judicial Magistrate, Patiala has been received, which is taken on record.

As per the report, the trial Court has recorded as follows:-

- “1. As per statement of Investigating Officer, there are four accused in the present FIR.
- 2. As per statement of Investigating Officer, none of the accused has been declared proclaimed offender in the present case.
- 3. The compromise is genuine, voluntary and without any undue influence.”

Ms. Gurjit Kaur, Advocate for Mr. Lovdeep Sarin, Advocate, appears for respondents No.2 to 5, admits the fact of parties having compromised and states that she has no objection in case the FIR and all proceedings subsequent thereto against the petitioners are quashed.

However, learned State counsel submits that though as per the report, the parties have compromised, but the fact remains that offences punishable under Section 324 is 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.137 dated 31.05.2021 registered under Sections 324, 323, 34 IPC

(Section 3 of SC/ST Act added lateron) at Police Station, Sadar Patiala, District Patiala, and all proceedings subsequent thereto are hereby quashed qua petitioners.

29.08.2022
mamta

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No