

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

CRM-M-38712-2020

Date of decision : 12.09.2022

Lakhwinder Singh @ Dulla and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. A.S. Barnala, Advocate
for the petitioners.

Mr. Madhur Sharma, AAG, Punjab.

None for respondents No.2 and 3.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No.69 dated 17.05.2019, registered for the offences punishable under Sections 452, 323, 506, 148 and 149 of IPC at Police Station City Barnala, District Barnala, on basis of compromise deed dated 24.09.2020 (Annexure P-2).

On 16.02.2021, the following order was passed:-

“Through the present petition filed under Section 482 Cr.P.C. the petitioners seek quashing of FIR No.69 dated 17.05.2019 registered under Sections 452/323/506/148/149 IPC at Police Station Barnala, district Barnala, on the strength of a written compromise, Annexure P-2, entered into between the parties.

The petitioners as also respondents No.2 and 3 through their counsel are directed to appear before the Illaqa Magistrate/Trial Court on 26.02.2021 to get their

statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Trial Court would furnish to this Court its report alongwith the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise, if any, between the parties.

The Illaqa Magistrate/Trial Court would also apprise this Court whether all the accused are party to the compromise and whether any of the accused have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

To await the report of the Illaqa Magistrate/Trial Court adjourned to 31.03.2021.”

Pursuant to the aforesaid order, report from Additional Chief Judicial Magistrate, Barnala dated 03.03.2021 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

Accordingly report is hereby submitted to the effect that accused party have compromised the matter with complainant and the court is further of the opinion that the compromise effected between the complainant and accused is genuine, without any pressure and without any coercion or undue influence. No accused is proclaimed offender in this case and no criminal case pending against them.”

Mr. Sharma points out that one of the accused namely, Arshi Barnala @ Arshdeep Singh has not been impleaded and has not been joined as petitioner in the present petition.

Mr. Barnala submits that in fact the said accused is now based out of India and he could not join as petitioner.

Mr. Sharma submits that though as per the report, the parties have compromised, but the fact remains that offence punishable under Sections 452, 148 and 149 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.69 dated 17.05.2019, registered for the offences punishable under Sections 452, 323, 506, 148 and 149 of IPC at Police Station City Barnala, District Barnala and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

(PANKAJ JAIN)
JUDGE

12.09.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No