

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

CRM-M-46749-2021

Date of decision : 28.02.2022

Manjeet Nath and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Piyush Sharma, Advocate
for the petitioners.

Mr. Sandeep Vermani, Addl. A.G. Punjab.

Mr. Jaswinder Singh Grewal, Advocate
for respondents No.2 to 6.

(Through Video Conferencing)

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of DDR No. 04 dated 23.07.2020 registered under Sections 323, 324, 325 and 34 IPC as cross case against the petitioners in FIR No.111 dated 22.07.2020, registered under Sections 379-B, 452, 323, 148 and 149 IPC (Section 325 of IPC added later on) at Police Station Bahawala, Tehsil Abohar, District Fazilka, on the basis of compromise deed dated 07.10.2021 (Annexure P-3).

On 09.12.2021, the following order was passed:-

- “1. Notice of motion.
2. Mr. C.L.Pawar, Sr. DAG, Punjab, waives service of notice on behalf of respondent No. 1.

3. Mr. J.S. Grewal, Advocate puts his appearance on behalf of respondents No. 2 to 6.

4. Before proceeding to quash DDR No. 04 dated 23.7.2020, arising out of FIR No.111 dated 22.7.2020, registered at Police Station Bahawala, Tehsil Abohar, District Fazilka, it is deemed appropriate to make directions upon the Illaqa Magistrate concerned to, after summoning the petitioners, and, respondents No. 2 to 6, and, after his recording their respective testifications, with respect to the voluntariness, and also, with respect to the authenticity of the compromise drawn amongst them, as embodied in Annexure P-3, to make a report with respect to the compromise (supra).

5. The learned Magistrate is also directed to disclose in his report, (a) whether after completion of investigation, report under Section 173 Cr.P.C. has been filed; (b) whether charge has been drawn against the accused; and (c) whether the prosecution evidence has commenced.

6. The afore made report be ensured to be transmitted to this Court within three weeks.

7. For the afore purpose, list on 28.2.2022.”

Now, report from JMIC, Abohar dated 09.02.2022 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“The petitioner/accused as well as complainant named above in their respective statements have stated that now with the intervention of the respectables, they have compromised the matter with their own free will, without any pressure, coercion or undue influence. In view of the statement suffered

by complainant party as well as accused named above, it is quite evident that the compromise has been effected between the complainant and accused voluntarily without any undue influence or coercion in any manner and the compromise appears to be valid & genuine.

Parawise report (a) to (c) is as under:

As per report made by the Ahlmad

(a) Report under Section 173 Cr.P.C. has not been filed by the prosecution in the Court.

(b) Charge has not been drawn against the accused

AND

(c) Prosecution evidence not commenced.”

Mr. Jaswinder Singh Grewal, Advocate appears for respondents No.2 to 6 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 offence punishable under Section 324 of the IPC 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, I deem it appropriate to quash DDR No.04 dated 23.7.2020 registered under Sections 323, 324, 325 and 34 IPC as cross case against the petitioners in FIR No. 111 dated 22.07.2020 registered under Sections 379-B, 452, 323, 148 and 149 IPC (Section 325 of IPC added later on) at Police Station Bahawala, Tehsil Abohar, District Fazilka and all proceedings arising therefrom.

Accordingly, the petition is allowed. The abovesaid DDR alongwith subsequent proceedings are hereby quashed.

(PANKAJ JAIN)
JUDGE

28.02.2022

Dinesh

Whether speaking/reasoned
Whether Reportable :

Yes
No