

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

CRM-M-50251-2021

Date of decision : 28.02.2022

Bhola Singh @ Nirmal Singh and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Amandeep Chhabra, Advocate
for the petitioners.

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

Mr. Ranjit Singh Sidhu, Advocate
for respondents No.2 and 3.

(Through Video Conferencing)

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No. 100 dated 25.07.2021 registered under Sections 452, 341, 323, 506 and 34 IPC (Section 325 of IPC added later on) at Police Station Sadar Malout, District Sri Muktsar Sahib, on the basis of compromise deed dated 19.11.2021 (Annexure P-2).

On 15.12.2021, the following order was passed:-

- “1. Notice to respondents.
2. Mr. Bhupender Beniwal, Assistant Advocate General, Punjab, waives service on behalf of respondent No. 1-State, whereas, Mr. Vikas Bishnoi, Advocate, waives service on behalf of respondent Nos. 2 & 3. Mr. Vikas Bishnoi, Advocate, also undertakes to furnish

vakalatnama on behalf respondent Nos. 2 & 3 in the Registry.

3. Before proceeding to quash FIR No. 100 of 25.07.2021 (Annexure P-1), registered at Police Station Sadar Malout, District Sri Muktsar Sahib, constituting therein offences under Sections 452, 341, 323, 506, 34 of the IPC (Section 325 of the IPC added later on), it is deemed appropriate to make directions upon the Illaqa Magistrate concerned to, after summoning the petitioners, and, respondents No. 2 & 3, and, after 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-2, to make a report with respect to the compromise (supra).

4. The learned Illaqa 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.

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

6. For the afore purpose, list on 28.02.2022.”

Now, report from JMIC, Malout dated 06.01.2022 has been received, which is taken on record. As per the same, the compromise has been found genuine, voluntarily and without any coercion and undue influence.

Mr. Ranjit Singh Sidhu, Advocate appears for respondents No.2 & 3 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 452 of the IPC is non compoundable.

In response thereto, learned counsel for the petitioners has relied 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 the same 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 the FIR No. 100 dated 25.07.2021 registered under Sections 452, 341, 323, 506 and 34 IPC (Section 325 of IPC added later on) at Police Station Sadar Malout, District Sri Muktsar Sahib and all the consequential proceedings arising therefrom.

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

(PANKAJ JAIN)
JUDGE

28.02.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No