

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

276 CRM-M-15417-2023 (O&M)
Date of Decision: 02.08.2023

Shyam Singh and others ...Petitioners

V/s

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Ms. Jasneet Mehta, Advocate, for the petitioners.
Mr. Gurbir Singh Dhillon, AAG, Haryana

FIR No.	Dated	Police Station	Section/s
0060	18.02.2021	Sonipat Sadar District Sonipat	147, 149, 294, 427, 506 IPC (Sections 147 and 148 deleted subsequently)

VIKAS SURI, J. (Oral)

1. Prayer in the instant petition preferred under Section 482 Cr.P.C is for quashing of the above captioned FIR and other consequential proceedings emanating therefrom, on the basis of a compromise effected between the parties.
2. Vide order dated 17.04.2023, private parties were directed to appear before the trial Court to get their statement recorded in terms of the compromise and a report in that regard was sought from the concerned Court.
3. Pursuant to the aforesaid order, report dated 11.05.2023 of the learned Judicial Magistrate 1st Class, Sonapat, has been received, wherein it

is concluded that the compromise between the parties has been effected voluntarily and without any pressure or undue influence.

4. Relying upon earlier judgments in ***Gian Singh vs. State of Punjab and others*, (2012) 10 SCC 303** and the ***State of Madhya Pradesh vs. Laxmi Narayan and others*, (2019) 5 SCC 688**, a two Judge Bench of the Apex Court in ***Ramgopal and another vs. State of Madhya Pradesh*, 2021 SCC online SC 834**, while dealing with power of High Court under Section 482 Cr.P.C to quash non-compoundable offences on the basis of compromise between the disputing parties has held:-

“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., 1973 Any such attempt by the court would amount to alteration, addition and modification of Section 320 Cr.P.C., 1973 which is the exclusive domain of Legislature. There is no patent or latent ambiguity in the language of Section 320 Cr.P.C., 1973 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., 1973 is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C., 1973. 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., 1973 in aid to prevent abuse of the process of any Court and/or to secure the ends of justice.”

5. That being so, looking at the nature of the offence alleged to have been committed by the petitioners, in the opinion of this Court, it would be pointless to continue with criminal proceedings, the parties having fully compromised the matter of their own free will.

6. Accordingly, FIR No.0060, dated 18.02.2021, under Sections 147, 149, 294, 427, 506 IPC registered at Police Station Sonipat Sadar, District Sonipat and all consequential proceedings emanating therefrom, are hereby quashed.

August 02, 2023

vcgarg

Whether speaking/reasoned

Whether reportable

(VIKAS SURI)

JUDGE

Yes

No