

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM No.33367 of 2015 and
CRA S-666-SB of 2000
Date of decision:9.10.2015**

Mohinder Singh

.....Petitioner(s)

Versus

State of Punjab & another

.....Respondent(s)

CORAM:- HON'BLE MR.JUSTICE DARSHAN SINGH

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Present: Mr. P.S. Ahluwalia, Advocate for the appellant(s).

Mr. Ajaib Singh, Additional Advocate General, Punjab.

Mr. JBS Gill, Advocate for the complainant/respondent
No.2.

DARSHAN SINGH, J.(Oral)

1. The present appeal has been preferred against the judgment of conviction dated 14.7.2000 vide which appellant-Mohinder Singh and Ajit Singh were held guilty and convicted for the offences punishable under Sections 325 and 323 read with Section 34 IPC by the learned Additional Sessions Judge, Hoshiarpur and they were ordered to undergo the rigorous imprisonment for a period of 3 years and to pay a fine of ₹ 3,000/- each. In default of payment of fine to further undergo rigorous imprisonment for 3 months under Section 325/34 IPC. They were also sentenced to undergo rigorous imprisonment for a period of 1 year each under Section 323/34 IPC.

2. As per the prosecution allegations, on 28.1.1995 at about 2.P.M, the appellants along with co-accused Davinder Singh had caused injuries to respondent No.2-Dalip Singh and the present case was registered on the statement of Sukhdev Singh which resulted into conviction of appellants Mohinder Singh and Ajit Singh for the aforesaid offences. Third accused Davinder Singh has died during the pendency of the trial as indicated in the judgment of the trial Court. Appellant-Ajit Singh has also died during the pendency of the present appeal. Only appellant-Mohinder Singh is pursuing the present appeal.

3. During the pendency of the present appeal, compromise has taken place between the parties. Injured respondent No.2 Dalip Singh has moved CRM No.33367 of 2015 for seeking permission to compound the offence in view of the compromise Annexure A-1 and his affidavit Annexure A-2.

4. As already mentioned, the appellant was convicted for the offences punishable under Sections 325 and 323 read with Section 34 IPC which are compoundable with the permission of the Court as per Section 320 Cr.P.C.

5. The compromise Annexure A-1 placed on file shows that during the pendency of the present appeal, the parties have entered into compromise. The compromise Annexure A-1 is signed by both the parties which shows that the parties have compromised with the intervention of the respectables of the village. The dispute between

appellant Mohinder Singh and respondent No.2 Dalip Singh has been settled amicably, voluntarily and without any pressure and coercion. Now there is no dispute between them. It is also mentioned that as per the compromise, appellant-Mohinder Singh have paid ₹ 3,00,000/- as compensation to injured respondent No.2-Dalip Singh as full and final settlement. It is further mentioned that the aforesaid settlement of the dispute is for the welfare of both the parties as both the parties intend to peace and harmony and is likely to create a sense of brotherhood between them. Affidavit of injured Dalip Singh Annexure A-2 has also been placed on file in support of the said compromise. Thus, keeping in view the compromise Annexure A-1 and affidavit of injured Annexure A-2, the parties have compromised with the intervention of the respectables of the village. The compromise is in the interest of both the parties as they are the residents of the adjoining villages. The compromise will put an end to the litigation between the parties and will create harmonious relations between them and they will also be able to live in peace. Injured Dalip Singh has also been suitably compensated.

6. Thus, CRM No.33367 of 2015 filed by injured respondent No.2-Dalip Singh for compounding the offence is hereby allowed and the permission to compound the offences punishable under Sections 325 and 323 read with Section 34 IPC is hereby granted.

7. As a result of compromise between the parties and with the permission of this Court, the offences i.e. Sections 325, 323 read

with Section 34 IPC for which the appellant was convicted, stand compounded. As a consequence of the composition of the offences, the present appeal is hereby allowed. Thus, the conviction and sentence of appellant-Mohinder Singh is hereby set aside and he stands acquitted of the charges.

**October 09, 2015
ps**

**(DARSHAN SINGH)
JUDGE**