

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

CRM-33746-2014 IN
CRA-S-903-SB-2012 (O&M)
Date of decision : 18.02.2015

Dhir Singh and others

...Appellants

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vivek Salathia, Advocate,
for the applicant/appellants.

Ms. Harsimrat Rai, DAG, Punjab.

Mr. Vikas Gupta, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

At the very outset, it has been informed that appellant No.4, Amritpal Singh @ Bau has since died during the pendency of the present proceedings. Accordingly the appeal as well as the criminal misc. applications qua appellant No.4, abate.

The appellants, vide impugned judgment dated 17.02.2012, were convicted by the learned Additional Sessions Judge (Ad hoc), Fast Track Court, Amritsar (for short, 'the Trial Court'), under Sections 460, 506 323, 148 of the Indian Penal Code (for short, 'the IPC') and were ordered to undergo substantive sentence of five years rigorous imprisonment. Feeling aggrieved, the appellants preferred this appeal

which was admitted by this Court on 06.03.2012. It is stated that in the interregnum, the parties have entered into compromise.

The parties are present in person. By way of filing CRM-33746-2014, the applicant-appellants have sought to place on record the compromise deed as Annexure A-1 and a duly sworn affidavit of the complainant in support of the compromise as Annexure A-2, which is allowed subject to all just exceptions. Another application bearing CRM-33747-2014 has been filed under Section 482 of the Criminal Procedure Code for permission to compound the offence in the light of the compromise, Annexure A-1. Learned counsel for the complainant, on instructions, states that the compromise has been effected without any pressure or coercion. The parties being co-villagers are residing in the immediate vicinity of each other. It is further stated that the occurrence took place in the year 2002 and thereafter, the parties have been residing there peacefully. The learned counsel cites ***Yogendra Yadav and others Vs. The State of Jharkhand and another, 2014(3) R.C.R. (Criminal) 869; Manohar Singh Vs. State of Madhya Pradesh and another, 2014(3) R.C.R. (Criminal) 865; and Sathiyamoorthy and others Vs. State represented by the Inspector of Police, Madurai, 2014(3) R.C.R. (Criminal) 867.***

Heard.

There is no dispute with regard to the veracity of the compromise, Annexure A-1, which is reiterated in the affidavit sworn

by the complainant, Annexure A-2. The appellants have been convicted under Sections 460, 506, 323 and 148 IPC, out of which, Sections 460, and 148 IPC, are non-compoundable. In Sathiyamoorthy's case (supra), the Hon'ble Apex Court has held as under:-

“6. Offences under Sections 341 and 325 are compoundable. In view of the settlement they can be permitted to be compounded. However, offences under Sections 148 and 149 of the IPC are not compoundable. Hence, permission to compound them cannot be granted. However, since the accused and the victim have entered into a compromise, we feel that it would be in the interest of both sides to reduce the sentence awarded to the accused under Sections 325 and 341 of the IPC to sentence already undergone.

7. In Ram Lal and anr. v. State of J&K, (1999) 2 SCC 213, the accused were convicted for offence under Section 326 of the IPC, which is non-compoundable. Looking to the fact that the parties had arrived at a settlement and victim had no grievance, this Court reduced the sentence for the offence under Section 326 to sentence already

undergone by the appellants-accused. We are inclined to follow similar course.”

It has also been brought to the knowledge of the Court that with a view to overcome the feeling of wrong-done, the appellants have already compensated the complainant, which fact, on instructions, is duly acknowledged by the learned counsel for the complainant. The Court is of the opinion that it will certainly enhance the village harmony and accord a feeling of goodwill in the village community. Thus, it will be in the interest of the village community in general and the parties in particular, if the prayer made by the appellants is allowed.

Accordingly, the offence under Section 323 and 506 IPC are permitted to be compounded, whereas, the sentence of the appellants for the offences under Sections 460 and 148 IPC, is reduced to the period already undergone by them, on the basis of the compromise. The appellants are stated to be on bail. Their bail bonds shall stand discharged.

18.02.2015
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(JITENDRA CHAUHAN)
JUDGE