

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

**Crl. Appeal No. S-72-SB of 2015 (O&M)
Date of decision : 08.09.2015**

Vijay Kumar and others

..... Petitioners

versus

State of Punjab & others

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Nripjot Singh Mehrok, Advocate for
Mr. G.K. Mann, Advocate
for the appellants.

Mr. V.P.S. Sidhu, Asst. AG, Punjab
for respondent No.1-State.

Mr. Manoj Sharma, Advocate
for respondent nos.2 & 3.

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ANITA CHAUDHRY , J.

Report from the Court below regarding
compromise has already been received.

Main appeal is taken up on Board for hearing
today itself.

The trial of the appellants in case FIR No.181
dated 22.08.2012, registered under Sections 326, 323, 148,
149 IPC, Police Station City-I, Abohar, District Fazilka has
culminated into their conviction vide order of conviction &
sentence dated 10.12.2014, passed by the Additional
Sessions Judge, Fazilka. The appellants were sentenced to

Undergo following imprisonment:-

Name of Convict	Under Sections	Rigorous Imprisonment	Fine	In default S.I.
Vijay Kumar	323 IPC	6 months	Rs.500/-	1 month
"	326 IPC	7 years	Rs.5000/-	6 months
"	450 IPC	5 years	Rs.5000/-	6 months
"	148 IPC	1 year	Rs. 1000/-	1 month
Chhinda	323 IPC	6 months	Rs.500/-	1 month
"	326 IPC	7 years	Rs.5000/-	6 months
"	450 IPC	5 years	Rs.5000/-	6 months
"	148 IPC	1 year	Rs. 1000/-	1 month
Bunty	323 IPC	6 months	Rs.500/-	1 month
"	326 IPC	7 years	Rs.5000/-	6 months
"	450 IPC	5 years	Rs.5000/-	6 months
"	148 IPC	1 year	Rs. 1000/-	1 month
Raja	323 IPC	6 months	Rs.500/-	1 month
"	326 IPC	7 years	Rs.5000/-	6 months
"	450 IPC	5 years	Rs.5000/-	6 months
"	148 IPC	1 year	Rs. 1000/-	1 month
Kali	323 IPC	6 months	Rs.500/-	1 month
"	326 IPC	7 years	Rs.5000/-	6 months
"	450 IPC	5 years	Rs.5000/-	6 months
"	148 IPC	1 year	Rs. 1000/-	1 month
Mala Rani	323 IPC	6 months	Rs.500/-	1 month
"	326 IPC	7 years	Rs.5000/-	6 months
"	450 IPC	5 years	Rs.5000/-	6 months
"	148 IPC	1 year	Rs. 1000/-	1 month
Jeeto	323 IPC	6 months	Rs.500/-	1 month
"	326 IPC	7 years	Rs.5000/-	6 months
"	450 IPC	5 years	Rs.5000/-	6 months
"	148 IPC	1 year	Rs. 1000/-	1 month

Aggrieved with the same the appellants have preferred the instant appeal. During the pendency thereof, it is claimed that the parties have entered into compromise with the intervention of respectable persons. Compromise-deed (Annexure A-1) and affidavits of parties (Annexures A2 to Annexure A-4), reiterating the factum of compromise, have been placed on record.

Report has been called from the Chief Judicial Magistrate, Fazilka, after statements of the parties were recorded regarding the compromise. Chief Judicial Magistrate, Fazilka has reported that the compromise is voluntary and without any pressure or coercion. He has also sent statements of parties along with the report.

Learned counsel for the appellants has urged that the parties are living in the same vicinity and now good sense had prevailed and they have decided to settle the dispute by entering into a compromise. Affidavits of injured-complainant Vijay Kumar son of Jagdish Kumar and Raj Kumar son of Jagdish Kumar have been filed, wherein the factum of the parties having entered into compromise is reiterated. All the parties have appeared before the CJM, Fazilka and have affirmed the compromise. It is prayed that in view of the compromise, the appellants may be acquitted.

Learned counsel appearing for the complainant states that the complainant and injured have no objection if the appellants are acquitted.

In the instant case, the parties have put an end to their grievance and have settled the dispute and attempt has been made to promote peace and harmony amongst themselves. They are residents of same vicinity.

Since the parties have amicably settled their dispute, there is no legal impediment in granting permission

to them to compound the offence. In view of the statements and report of the CJM, Fazilka and the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, approved by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***, the instant appeal is allowed. Consequently, the judgment of conviction and sentence passed by the Court below is set aside and the appellants are acquitted of the charges.

**(ANITA CHAUDHRY)
JUDGE**

08.09.2015

'Sunil Sehgal'