

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

CRM-M No. 21737 of 2015 (O&M)

Date of Decision: 22.09.2015

Ravinder alias Billu and Others

..... Petitioners

Vs.

State of Haryana and Others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Jasjit Singh Bedi, Sr. Advocate, assisted by
Mr. Sunil Sihag, Advocate
for the petitioners.

Mr. Satish Saini, DAG, Haryana
for respondent No. 1/State.

Mr. Ramesh Hooda, Advocate
for respondent Nos. 2 to 13.

JASWANT SINGH, J. (ORAL)

The five petitioners were nominated as accused in case FIR No. 446, dated 21.08.2001, for the offences punishable under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, registered at Police Station Civil Lines, Rohtak (**Annexure P-1**), on the complaint lodged by Bharthu, Ram Kishan, Risala and Ram Chander sons of Chhaju, regarding sale of agricultural land, measuring 4 Bighas 18 Biswas, on the basis of forged power of attorney dated 16.02.2000, allegedly executed in favour of accused-Jagat Singh.

The aforesaid FIR resulted into the conviction of the petitioners vide judgment dated 12.02.2015 (**Annexure P-2 colly**) and the petitioners were accordingly sentenced vide order dated 18.02.2015 (**P-2 colly**) to undergo rigorous imprisonment for seven years' etc. (different

periods for different offences).

The appeal filed against the conviction and order of sentence is stated to be pending before the learned lower Appellate Court.

The present petition under Section 482 Cr.P.C. has been filed during the pendency of the aforesaid appeal seeking quashing of aforesaid FIR and setting aside the above quoted judgment of conviction and all subsequent proceedings therefrom on the basis of a comprehensive compromise effected between the parties on 02.07.2015 (**Annexure P-3**).

A report has been received from learned trial Court vide No. 179, dated 11.08.2015 (**Mark-A**). It is submitted in the report that the parties have compromised the matter without any pressure and voluntarily. The statements regarding genuineness of the compromise has been recorded by the trial Court is annexed with the report.

It is not in dispute that the parties in terms of compromise have taken action in part, which is beneficial to each other.

At the time of hearing, learned Counsel for the parties very fairly concede that in view of the recent reiteration by the Hon'ble Supreme Court in **Narinder Singh and Others Versus State of Punjab and Another, 2014 (2) RCR (Criminal), 482**, laying down that there can be no quashing regarding non-compoundable offences, even on the basis of compromise, after the conviction by the Courts and at best, the parties are entitled to relief regarding reduction of sentence etc. being a mitigating circumstance, the present raised prayer cannot be entertained.

The facts of the present case are squarely covered under the mandate of the said judgment of Hon'ble Apex Court, since concededly the parties are not related to each other.

At this stage, learned Counsel for the parties, in the light of the aforesaid settled law, give-up their claim for quashing the FIR, as also setting aside the judgment of conviction, however, pray only for reduction of sentence to the period of imprisonment already undergone, since the complainant party has been adequately compensated and concededly have no objection to such a recourse.

The restricted prayer on behalf of the petitioners is reasonable and liable to be accepted, however, since the appeal against conviction and sentenced order is already pending before the learned lower Appellate Court, it would not be appropriate for this Court to pass any order of reduction of the quantum of sentence.

Therefore, the present petition is liable to be disposed of with the permission to the petitioners/convicts to approach the learned lower Appellate Court, by filing an appropriate application in the pending appeal, seeking necessary relief for sympathetic consideration by the lower Appellate Court.

Disposed of in the above terms.

September 22, 2015
'dk kamra'/Gagan

(JASWANT SINGH)
JUDGE