

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CRM No.M-36766 of 2014 (O&M)
Date of Decision:16.03.2015

Varinder Bhatia and another

....Petitioners.

Versus

State of Punjab and another

....Respondents.

CORAM : HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: None for the petitioners.

R.P. NAGRATH, J.(Oral)

This petition has been filed for compounding the offences under Sections 406, 498-A IPC and setting aside the impugned judgement dated 21.02.2013 and the subsequent proceedings on the basis of compromise arrived at between the parties.

Report from the Appellate Court has been received after recording statements of the parties that compromise is voluntary and without any coercion or undue influence. Original statements have also been sent.

The petitioners were convicted of the charge under Sections 406, 498-A IPC in FIR No.265 dated 30.09.2006 registered at Police Station Sadar, Tarn Taran and awarded the sentence. Appeal against that judgment is pending before the Court of Additional Sessions Judge. The judgment of conviction and sentence is dated 21.02.2013. Thereafter, the parties also filed joint petition for divorce by mutual consent under Section 13-B of the Hindu Marriage Act and copy of that petition is Annexure P-2. Seema-respondent No.2 also made a statement before the Appellate Court that she has already obtained divorce by mutual consent.

For the offences pertaining to the matrimonial dispute the scope of compounding the offences even after the conviction, has been accepted by Hon'ble Supreme Court in ***Gian Singh vs. State of Punjab and another, 2012(4) R.C.R. (Criminal) 543.***

There is also a judgment of the Division Bench of this Court in ***Sube Singh and another v. State of Haryana and another, 2013(4) R.C.R. (Criminal) 102,*** which was relied upon in support of petitioners' contention.

The petitioners are two persons who were convicted by the learned trial Court in this FIR

No useful purpose would be served to continue the proceedings against the petitioners and permission is granted for compounding of the offences in terms of Section 320 of the Code of Criminal Procedure. As a result whereof the judgment of conviction and sentence passed by the learned trial Court on 21.02.2013 and

also subsequent proceedings are quashed.. The petitioners would stand acquitted of the charge against them.

The instant petition is allowed in the terms indicated above.

(R.P. Nagrath)
Judge

16.03.2015
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