

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.2185 of 2015 (o&m)
Date of Decision: 28.09.2015

Sukhdev Singh

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? No

Present: Mr. Vivek Kathuria, Advocate
for the petitioner.

Mr. Deep Singh, Addl. A.G., Punjab.

Mr. H.S. Ahluwalia, Advocate
for respondent no.2-complainant.

ANITA CHAUDHRY, J.

1. Through this petition, the revisionist Sukhdev Singh has challenged his conviction under Section 279 and 304-A IPC. The conviction was recorded in FIR No. 37 lodged on 20.02.2008 at Police Station Sadar Tarn Taran, District Tarn Taran. The Addl. Chief Judicial Magistrate, Tarn Taran convicted the petitioner and sentenced him to undergo the following punishment:-

Under Section	Rigorous imprisonment	Fine	In default of payment of fine further imprisonment
279 IPC	6 months	Rs.500/-	1 month
304-A IPC	2 years	Rs.500/-	1 month

2. The judgment was affirmed by the Addl. Sessions Judge, Tarn Taran vide order dated 05.03.2015. The petitioner was taken in custody to undergo the remaining part of sentence. Dis-satisfied with both the verdicts, present revision has been filed.

3. During pendency of the present petition, it is claimed that the parties have entered into compromise with the intervention of respectable persons. Copy of compromise deed (Annexure P-1), reiterating the factum of compromise has been placed on record.

4. Report has been called from the Chief Judicial Magistrate, Tarn Taran, after statements of the parties regarding the compromise were recorded. Chief Judicial Magistrate, Tarn Taran has reported that the compromise is voluntary and without any pressure or coercion. He has also sent original statements of parties along with the report and copy of compromise Mark-A.

5. Learned counsel for the petitioner has urged that with the intervention of respectable and relatives, both the parties have decided to settle the dispute by entering into a compromise. Copy of compromise deed Annexure P-1 has been placed on record, wherein the factum of the parties having entered into compromise is reiterated. Both the parties have appeared before the CJM, Tarn Taran and have affirmed the compromise. It is prayed that in view of the compromise, the petitioner may be acquitted.

6. Learned counsel appearing for the respondent no.2-complainant states that the complainant-injured has no objection if the petitioner is acquitted.

7. 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, Tarn Taran 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 petition is allowed. Consequently, the judgments of conviction and sentence passed by the Courts below are set aside and the petitioner is acquitted of the charges.

(ANITA CHAUDHRY)
JUDGE

28.09.2015
'Sunil Sehgal'