

CRR No. 2838 of 2015(O&M)
Date of Decision :07.12.2015

Versus

Mr.K.S.Sekhon, Advocate for respondent No2.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

CRM-28853-2015

CRM allowed. Compromise and affidavit are taken on record as Annexures P-1 and P-2 respectively.

CRR No. 2838 of 2015

The present revision has been filed against concurrent judgments of the Courts below whereby the petitioners have been convicted under Sections 326, 323 and 34 IPC in a complaint case titled Jeet Singh vs. Sukhmander Singh and another.

On the last date the following order was passed:-

“ Learned counsel for the petitioners states that the petitioners have entered into compromise with the

complainant, who is brother of petitioner No.1 and uncle of petitioner No.2 respectively.

As per custody certificate/reply by way of affidavit dated 01.10.2015 of Sh. Iqbal Singh, Superintendent, District Jail, Sri Muktsar Sahib, the petitioners have undergone two months and fourteen days of actual sentence out of total sentence of two years.

Sh. K.S. Sekhon, Advocate has put in appearance for respondent No.2-complainant and accepted that the matter has been compromised.

I deem it appropriate to release the petitioners on interim bail to the satisfaction of CJM/Duty Magistrate, Sri Muktsar Sahib.

Ordered accordingly.

Adjourned to 07.12.2015.

Let the parties get their statements recorded before the CJM/Duty Magistrate, Sri Muktsar Sahib on 28.10.2015 or any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case is pending against either of the parties or not before the next date of hearing."

Thereafter the report of Chief Divisional Judicial Magistrate, Sri Muktsar Sahib dated 05.12.2015 has been received whereby the Magistrate had mentioned that the parties had appeared before him and had attested to the fact that a compromise had indeed taken place between them and that the compromise had been executed voluntarily and without any pressure. He has further intimated that as per the report of the MHC, Police Station Sadar, Sri Muktsar Sahib no other case is pending against either of the parties. Learned Addl.AG has also accepted this fact.

Learned counsel for the petitioners has argued that the parties are closely related and have entered into a compromise and prays that necessary permission be granted to compound the offences. He has also relied upon a decision of the Hon'ble Supreme Court in **Sube Singh and another v. State of Haryana and another**, 2013(4) RCR(Criminal) 102 where it has been held that High Court can quash the proceeding even after order of conviction. He has also referred to a decision of this Court in **CRM-M No. 33563 of 2013, Mohinder Singh and another v. State of Punjab and others** where this Court has quashed criminal complaint and order of conviction on the basis of compromise. Learned counsel for the respondent No.2 states that the matter has been compromised and he has no objection if the judgment/order of conviction and sentence are set aside.

Considering the above circumstances and the aforesaid judicial pronouncements, the parties are allowed to compound the offence under Sections 326/323/34 IPC and all the consequential proceedings arising therefrom are quashed qua the petitioners and their conviction and order of sentence are set aside.

Petition stands disposed of accordingly.

Since the main case has been decided, the Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

December 07, 2015

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