

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

Criminal Revision No.2912 of 2015(O&M)

Date of Decision: October 15, 2015

Manohar Lal

...Petitioner

Versus

State of Punjab & Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.J.S.Thind, Advocate,
for the petitioner.

Mr.K.S.Pannu, DAG, Punjab.

Mr.Vishal Goel, Advocate,
for respondent No.2.

Naresh Kumar Sanghi, J.(Oral)

CRM-33359-2015

Prayer in this application, filed under Section 482, Cr.P.C., is for placing on record the affidavit regarding compromise effected between the parties and copy of driving licence, Annexure R-1.

After hearing learned counsel for the parties and going through the contents of the application, the same is allowed. Affidavit dated 18.09.2015 and Annexure R-1 (relevant copy of the driving licence) are taken on record.

CRR-2912-2015

Challenge in the present criminal revision petition is

to the judgment dated 28.07.2015 passed by learned Additional Sessions Judge, Jalandhar, whereby the appeal filed by the petitioner challenging his conviction and sentence for the offence punishable under Section 420, IPC, recorded by learned Sub-Divisional Judicial Magistrate, Phillaur, was dismissed.

At the very outset, learned counsel for the petitioner submits that the offence punishable under Section 420, IPC, is compoundable with the permission of the Court as per Section 320 (2) Cr.P.C. The dispute between the petitioner and respondent No.2/informant was with regard to payment of ₹50,000/- (Rupees fifty thousand only). During pendency of the criminal revision petition, better sense has prevailed and respondent No.2/informant, Rakesh, has sorted out his dispute and effected a compromise. He further submits that in support of factum of compromise, Rakesh-informant has furnished the affidavit on 18.09.2015 which has been placed on record. He further submits that today informant, Rakesh, has appeared before this Court and suffered his statement on oath admitting the factum of compromise, therefore, the petitioner may be permitted to compound the offence and thereafter, the present petition be accepted and the petitioner be acquitted of the charge levelled against him.

Learned counsel for the State submits that he has

heard the statement suffered on oath by Rakesh-informant. He further submits that the offence punishable under Section 420, IPC, is compoundable and as such, he has no objection if the present criminal revision petition is accepted and the petitioner is acquitted of the charge levelled against him on the basis of compromise.

Learned counsel for respondent no.2/informant has also admitted the factum of compromise and has no objection if the present criminal revision petition is accepted and the petitioner is acquitted of the charge levelled against him.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

The dispute between Rakesh-informant and the petitioner was with regard to payment of ₹50,000/- (Rupees fifty thousand only). Learned trial Court held the petitioner guilty for the offence punishable under Section 420, IPC, and ordered him to undergo rigorous imprisonment for two years besides the payment of fine of ₹1,000/-(Rupees one thousand only) and in default thereof, to undergo further rigorous imprisonment for 15 days.

Dissatisfied with the judgment of conviction and order of sentence passed by learned Sub-Divisional Judicial Magistrate, Phillaur, the petitioner filed an appeal which was

decided by learned Additional Sessions Judge, Jalandhar. The order of sentence was modified and the substantive sentence was reduced to rigorous imprisonment for one year. However, the sentence of fine was maintained. Since Rakesh (informant) has appeared before this Court and suffered statement on oath admitting the factum of compromise and also gave his no objection to the acceptance of the present criminal revision petition and in consequence thereof, to acquit the petitioner, therefore, this Court is of the considered opinion that in such situation, the private parties may be permitted to compound the offence. It is now clear that the offence which is compoundable can be permitted to be compounded even at the stage of criminal revision petition. In view of the totality of the facts and circumstances of the case, the parties are permitted to compound the offence.

Since the parties have sorted out their dispute and effected a compromise and they have been permitted to compound the offence, therefore, ultimate consequence would be acceptance of the criminal revision petition and acquittal of the petitioner.

As a sequel to the above, the present petition is allowed and the judgment of conviction and the order of sentence passed by both the Courts below are set aside and the petitioner is acquitted of the charge levelled against him. The

fine imposed by learned trial Court, if deposited, would be returned as per norms. The petitioner be released forthwith, if not required in any other case.

October 15, 2015
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(Naresh Kumar Sanghi)
Judge