

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No. 3844 of 2014(O&M)

Date of decision: 02.02.2015

Dharambir and others

.....Petitioners

versus

State of Haryana

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr. S.S.Dinarpur, Advocate for the petitioners
Mr.Chetan Sharma, AAG Haryana
Mr.R.K.Moudgil, Advocate for the complainant

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

Revisionists were convicted by the learned Judicial Magistrate 1st Class, Kurukshetra vide judgment dated 14.3.2013 under Sections 323, 324, 452, 325 read with Section 149 IPC and vide order dated 14.3.2014 sentenced as under:-

“Accused Salokh Chand was sentenced to undergo RI for one year and fine of Rs.1,000/-, in default thereof to further undergo SI for two months under Section 323 read with Section 149 IPC. He was further sentenced to undergo RI for three years and fine of Rs.2000/-, in default thereof, to further undergo SI for two months under Section 324 read with Section 149 IPC.

Accused Harphool was sentenced to undergo RI for one year and fine of Rs.1,000/-, in default thereof to further undergo SI for two months under Section 323 read with

Section 149 IPC. He was further sentenced to undergo RI for three years and fine of Rs.2000/-, in default thereof, to further undergo SI for two months under Section 325 read with Section 149 IPC.

Accused Suresh Kumar, Dharambir, Karnail Singh and Mehar Singh were sentenced to undergo RI for one year and fine of Rs.1,000/-, in default thereof to further undergo SI for two months under Section 323 read with Section 149 IPC.

All the above said accused were also sentenced to undergo RI for three years and fine of Rs.2,000/-, in default thereof to further undergo SI for two months under Section 452 read with Section 149 IPC.”

Petitioners/accused preferred an appeal in the Court of learned Additional Sessions Judge, Kurukshetra. The same was dismissed vide judgment dated 12.11.2014.

Aggrieved by said judgment, the accused have preferred the present revision petition.

Pending the revision, the petitioners have filed an application under Section 482 Cr.P.C. bearing CRM No.1398 of 2015, stating that the parties have amicably settled the dispute and compromise dated 17.12.2014 has been effected. Therefore, in view of the compromise, the permission may be granted to the petitioners to compound the offence and they may be acquitted.

Learned counsel for the complainant Mr.R.K.Moudgil, Advocate has affirmed that the compromise has been effected.

In this case, there were four injured, namely, Shree Chand, Nirmala Devi, Nirmal Singh and Salindro Devi. Affidavits of said four injured have been placed on file. The notice was also

issued to the State to verify whether the compromise with the injured has been effected without any pressure and submit report.

Today, learned State counsel has filed copies of the affidavits of the injured and the report has been submitted that the parties have effected compromise with the intervention of the respectables. Therefore, it is reported that the compromise is genuine. Offence under Sections 323, 324 and 325 could be compounded either with the permission of the Court or without the permission of the Court. Dispute remains only regarding offence under Section 452 IPC. Since the main offence is being compounded and the offence under Section 452 IPC is stated to be arising out of the main offence, therefore, the parties are to be allowed to compound the offence of criminal trespass also.

Custody certificate filed in Court is taken on record, showing that the petitioners have undergone about more than three months and 17 days of actual imprisonment.

Keeping in view the fact that the parties have compounded the offence and they have settled the dispute and the same has been allowed by this Court, sentence of the petitioners is reduced to the period already spent by them.

Consequently, the present revision is allowed to the above noted extent.

02.02.2015
gk

(Kuldip Singh)
Judge