

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

**Crl. Appeal No. S-2378-SB of 2009 (O&M)
Date of decision : 05.08.2016**

Monu @ Mohan Singh

..... Petitioners

versus

State of Haryana

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. R.D. Yadav, Advocate
for the appellant.

Mr. Sanjay Kr. Saini, AAG, Haryana.

Mr. Naresh Kumar, Advocate
for the complainant.

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ANITA CHAUDHRY , J.

CRM No.8687 of 2016

For the reasons set out in the application, same is allowed as
prayed for and main appeal is taken up on Board today itself for hearing.

CRM Nos. 8685-86 of 2016

CRA-S-2378-SB-2009

For the reasons set out in the application (CRM-8686-2016)
same is allowed as prayed for and complainant Sushila is impleaded as
respondent no.2 in this appeal.

Report from the Chief Judicial Magistrate, Rewari regarding
the compromise has been received.

The trial of the appellant in case FIR No.24 dated 14.02.2009,
registered under Sections 354/506 IPC and Section 3 of SC/ST Act, Police

Station Rampura, District Rewari was culminated into his conviction vide

Order of conviction & sentence dated 24.09.2009/25.09.2009, passed by the

Special Judge, Rewari. The appellant was sentenced to undergo rigorous imprisonment for a period of 1 year along with fine of Rs.2,000/- for commission of offence under Section 354 IPC. In default of payment of fine he was to further undergo rigorous imprisonment for a period of 2 months. He was further sentenced to undergo rigorous imprisonment for a period of 6 months along with fine of Rs.500/- for commission of offence under Section 506 IPC. In default of payment of fine he was to further undergo rigorous imprisonment for a period of 15 days. Both the sentences were ordered to run concurrently.

Aggrieved with the same the appellant has preferred the instant appeal. During the pendency thereof, it is claimed that the parties have entered into compromise with the intervention of respectable persons. Copy of compromise-deed (Annexure A-2), reiterating the factum of compromise, has been placed on record.

Report has been called from the Chief Judicial Magistrate, Rewari, after statements of the parties were recorded regarding the compromise. Chief Judicial Magistrate, Rewari has reported that the compromise is voluntary and without any pressure or coercion. He has also sent statements of parties along with the report.

Learned counsel for the appellant has urged that the parties are living in the same vicinity and now good sense has prevailed and they have decided to settle the dispute by entering into a compromise. Copy of compromise deed has been filed, wherein the factum of the parties having entered into compromise is reiterated. All the parties have appeared before the CJM, Rewari and have affirmed the compromise. It is prayed that in view of the compromise, the appellant may be acquitted.

complainant has no objection if the appellant is acquitted.

In the instant case, better sense has prevailed and they have put an end to their grievance and have settled the dispute with their free will without any pressure or coercion. They are residents of same vicinity.

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, Rewari 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 appeal is allowed. Consequently, the judgment of conviction and sentence passed by the Court below is set aside and the appellant is acquitted of the charges.

**(ANITA CHAUDHRY)
JUDGE**

05.08.2016

'Sunil Sehgal'