

In the High Court of Punjab and Haryana at Chandigarh

CRA-S-2239-SB-2010 (O&M)

Date of Decision: 03.8.2016

Balwinder Kumar

.....Appellant

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. R.K.Trikha, Advocate
for the appellant.

Mr. V.P.S.Sidhu, AAG, Punjab.

Mr. Surinder Thakur, Advocate
for the complainant.

ANITA CHAUDHRY, J(ORAL)

The trial of the appellant in case FIR No.123 dated 27.4.2009, registered under Sections 376, 452, 511, 506 IPC, Police Station Sadar Hoshiarpur has culminated into his conviction vide order of conviction & sentence dated 24.8.2010, passed by the Additional Sessions Judge, Hoshiarpur. The appellant was sentenced to undergo rigorous imprisonment for two years and to pay fine of Rs. 10,000/- under Section 354 IPC and in default of payment of fine to further undergo rigorous imprisonment for five months. The appellant was further sentenced to undergo rigorous imprisonment for two years and pay fine of Rs. 2,000/- under Section 452 IPC and in default of payment of fine to further undergo rigorous imprisonment for one month.

Aggrieved with the same the appellant has preferred the instant

appeal. During the pendency thereof, it is claimed that the parties have

entered into a compromise with the intervention of respectable persons. Compromise-deed (Annexure A-2) reiterating the factum of compromise, has already been placed on record.

Report has been called from the Chief Judicial Magistrate, Hoshiarpur, after statements of the parties was recorded regarding the compromise. Chief Judicial Magistrate, Hoshiarpur has reported that the compromise is genuine. He has also sent the statements of parties.

Learned counsel for the appellants has urged that the parties are living in the same vicinity and now good sense had prevailed and they have decided to settle the dispute by entering into a compromise. Both the parties have appeared before the CJM, Hoshiarpur and have affirmed the compromise. It is prayed that in view of the compromise, the appellant may be acquitted.

Learned counsel appearing for the complainant states that the complainant has no objection if the appellant is acquitted.

In the instant case, the parties have put an end to their grievance and have settled the dispute and an attempt has been made to promote peace and harmony amongst themselves. 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, Hoshiarpur 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**

August 03, 2016
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No