

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-3270-SB of 2015 (O&M)
Date of Decision: November 7, 2016

Mahender Singh and othersPetitioners

Vs.

State of HaryanaRespondent

CRA-S-2953-SB of 2015 (O&M)

Poonam GassuPetitioner

Vs.

State of HaryanaRespondent

CRA-S-2745-SB of 2015 (O&M)

RavinderPetitioner

Vs.

State of HaryanaRespondent

CRA-S-3273-SB of 2015 (O&M)

AmitPetitioner

Vs.

State of HaryanaRespondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Mukesh Sharma, Advocate, and
Mr.Parveen K.Kataira, Advocate, for the appellants.

Ms.Mahima Yashpal, AAG, Haryana.

Mr.Maharaj Kumar, Advocate, for the respondent.

RITU BAHRI, J. (ORAL)

conviction dated 28.05.2015 and order of sentence dated 29.05.2015 passed by the Additional Sessions Judge Karnal, in FIR No.298 dated 12.08.2013 which were admitted on 24.08.2015 (CRA-S-3270-SB of 2015), 10.07.2015 (CRA-S-2953-SB of 2015), 18.06.2015 (CRA-S-2745-SB of 2015) and 24.08.2015 (CRA-S-3273-SB of 2015) and recovery of fines were stayed on 24.08.2015, 10.07.2015, 04.08.2015, 24.08.2015 respectively.

A perusal of the judgment shows that on 31.07.2013, prosecutrix moved an application to the Superintendent of Police, Karnal, alleging therein that her marriage was solemnized with Joginder Singh son of Mahender Singh resident of Village Gudha, Tehsil Gharaunda, District Karnal, on 28.01.2012 according to Hindu rites and ceremonies. Prior to the marriage, her husband was a permanent resident of Australia and after her marriage about 1¼ months, Joginder Singh returned Australia with an assurance to the prosecutrix that she will be taken to Australia after completion of the formalities. Thereafter, parents-in-law and family members of the complainant's husband started harassing the complainant on account of less dowry, inferior quality of dowry articles and even brother-in-law was having an evil eye upon the complainant and started obscene language and acts with her. On this ground, an FIR was registered against the accused persons. Joginder Singh was declared as proclaimed offender as he did not face the proceedings of trial. Vide judgment dated 29.05.2015, Kamlesh, Mahender and Ravinder were convicted under Sections 498-A, 354, 313 read with Section 120-B and 406 read with Section 34 IPC and accused-Amit and Dr.Poonam Gassu were convicted for the offence under Section 313 read with Section 120-B IPC.

During the proceedings of the appellants, parties have entered

into the compromise and they have filed applications i.e. CRM No.27364 of 2016 (CRA-S-3270-SB of 2015), CRM No.28224 of 2016 (CRA-S-2953-SB of 2015), CRM No.27370 of 2016 (CRA-S-2745-SB of 2015) and CRM No.27395 of 2016 (CRA-S-3273-SB of 2015) for impleading complainant/Manju Devi as respondent No.2 and they have also filed the applications i.e. CRM No.27365 of 2016 (CRA-S-3270-SB of 2015), CRM No.28226 of 2016 (CRA-S-2953-SB of 2015), CRM No.27371 of 2016 (CRA-S-2745-SB of 2015) and CRM No.27396 of 2016 (CRA-S-3273-SB of 2015) for setting aside the conviction/sentence and acquit the appellants, on the basis of compromise. The copy of compromise (Annexure P-3) was also attached with the applications which was effected on 16.08.2016. Thereafter notice was issued in these applications.

Today, learned counsel for the State has put in appearance and does not dispute the contents of the compromise (Annexure P-3).

Keeping in view the compromise (Annexure P-3) attached with the applications and guidelines laid down by the Hon'ble Supreme Court in case *Narinder Singh & Ors vs State Of Punjab & Anr 2015 SCC 406* and Full Bench of this Court in case of *Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) RCR (criminal) 1052*, the present applications are allowed and the compromise is being accepted and the judgment of conviction dated 28.05.2016 and order of sentence dated 29.05.2016 are set aside. The appeals are hereby disposed of and appellants are acquitted from all the charges framed against them.

(RITU BAHRI)
JUDGE

November 7, 2016