

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRA-S-2372-SB-2003 (O&M)

Date of decision: 23.09.2016

Harnam Singh @ Gurdip Singh and another

..... Appellants

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. PS Brar, Advocate for the appellants.

Mr. A.S. Klar, AAG, Punjab.

Mr. MK Garg, Advocate for the complainant.

RAMENDRA JAIN, J. (ORAL)

CRM-36736-2015

Copy of compromise dated 25.09.2015 (Annexure A-3) filed along with the application is taken on record, subject to all just exceptions.

CM stands disposed of.

CRA-S-2372-SB-2003

1. Appellants-Harnam Singh @ Gurdip Singh and Chhinder Singh have preferred the instant appeal against the judgment of conviction and order of sentence dated 29.11.2003, passed by the learned Additional Sessions Judge, Faridkot, in FIR No. 86 of 22.05.1996 registered under Sections 452, 326, 324, 323, 148 read with Section 149 of the Indian Penal Code (IPC) at Police Station Baghapurana. Vide impugned judgment, the appellants were convicted under Sections 326, 324 and 323 read with

rigorous imprisonment for a period of 3 years and to pay a fine of ₹ 500/- each and in default of payment of fine to further undergo rigorous imprisonment for a period of 03 months under Section 326/34 IPC.

2. When this case was listed on 10.08.2016, the following order was passed:-

“Learned counsel for the parties are ad idem that a compromise has been reached between the parties.

Adjourned to 15.09.2016.

In the meanwhile, parties are directed to appear before the Chief Judicial Magistrate, Moga on 23.08.2016, to record their statements regarding the factum of compromise. The Chief Judicial Magistrate, Moga shall ensure that the same is genuine, voluntary and without any threat, coercion or pressure. It is further directed that a written compromise bearing signatures/thumb impressions of both the parties alongwith particulars of the attesting witnesses thereto be filed before the Chief Judicial Magistrate, Moga.

The Chief Judicial Magistrate, Moga shall send the report regarding genuineness of compromise and also the terms of settlement along with copies of the statements of the parties and the compromise before the next date.

Registry shall send a copy of this order to learned Chief Judicial Magistrate, Moga by FAX also.”

3. In compliance with the aforesaid order, report from the learned Additional Chief Judicial Magistrate, Moga dated 29.08.2016 has been received. According to the same, both the parties have compromised the matter and resolved the dispute out of their own free will and consent. Compromise between the parties is without any coercion, influence and is genuine one.

4. A perusal of the compromise dated 25.09.2015 (Annexure A-3) shows that the parties have compromised the matter with the interference of respectable persons. As they are neighbourers and co-villagers, they have settled the matter amicably to maintain the harmonious relations and both the sides have no objection if the instant appeal is allowed.

Consequently, the impugned judgment of conviction and order sentence dated 29.11.2003 is set aside, as a result of which, both the appellants- Harnam Singh @ Gurdip Singh and Chhinder Singh would stand acquitted of the charges under Sections 326, 324 and 323 read with Section 34 IPC.

September 23, 2016
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No