

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

CRL. MISC. No.M-15258 OF 2015 (O&M)
DATE OF DECISION : 31st March, 2016

Sarabjit Kaur @ Shabo & others

.... Petitioners

Versus

State of Punjab & others

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ANITA CHAUDHRY

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Present : Ms. Amandeep Kaur, Advocate for
Mr. D. S. Gandhi, Advocate for the petitioners.
Mr. K. S. Aulakh, Assistant Advocate General, Punjab.
Mr. Gursimran Singh, Advocate
for respondents No.2 to 4.

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ANITA CHAUDHRY, J. (ORAL)

Petitioners are seeking quashing of complaint filed by respondent No.2- Manpreet Kaur as also the consequent proceedings taken therein including judgment and order of their conviction and sentence recorded vide order dated 22.04.2014.

Respondent No.1 filed complaint against the present petitioners and respondent No.3 and 4 (since proclaimed offenders) on the allegations that on 16.08.2009 they all committed house trespass and tried to outrage her modesty. In the process they also inflicted injuries and criminal intimidated her. The present petitioners faced the trial while accused Sandeep Singh and Paramjit Singh @ Deepu were declared proclaimed offenders.

On conclusion of the trial the petitioners were held guilty under Sections 323, 354, 452 and 506 IPC read with Section 34 IPC and each of them were substantively sentenced to undergo rigorous imprisonment for two years and fine of ₹1300/- under all the heads was imposed.

The petitioners preferred appeal challenging their conviction which is stated to be pending before the Additional Sessions Judge, Amritsar.

It has been contended that now the matter has been amicably settled between the parties with the intervention of respectables. Affidavit Annexure P-3 of the complainant has been filed wherein the factum of compromise has been reiterated.

Learned counsel for the petitioners placed reliance on **Surat Singh Vs. State of Uttaranchal (Now Uttarakhand) & Anr. 2013(1) RCR(CrI.) 1011, Bharti Vs. State of Haryana & Anr. 2014(2) RCR(CrI.) 133 and Chet Singh Vs. State of Punjab 2011(6) RCR(CrI.) 1254**, to urge that in the light of the compromise, the parties may be permitted to compound the offence and petitioners may be acquitted.

Report has been received from learned JMIC, Amritsar after statements of the parties were recorded regarding the compromise. Learned JMIC has reported that the compromise is voluntary and without any pressure or coercion. Learned JMIC has also sent statements of the parties. In the report it has been submitted that respondents No.3 and 4 were proclaimed offenders.

Learned counsel for respondent No.2 has reiterated that the complainant has compromised the lis. In Surat Singh's case (supra) the Hon'ble Apex Court permitted the parties to compound the offence under Section 354 IPC during the pendency of the appeal before it and the accused were acquitted.

In the case of Bharti (supra) Hon'ble Supreme Court took into account the factum of compromise between the parties who were neighbours and permitted them to compound the offence under Sections 354 and 451 IPC and as a consequence, the accused was acquitted.

In the case of Chet Singh (supra), this Court held that the compounding of offence can be permitted not only during trial, but also at the time of hearing of appeal or revision and such compounding had the effect of acquittal of accused.

The complainant and the petitioners are of the same vicinity and have amicably settled their dispute. There is no legal impediment in granting permission to them to compound the offence. The compromise effected between the parties is accepted. The petition is allowed qua the petitioners only. The judgment of conviction and order of sentence passed by the Court below is set aside qua the petitioners and the petitioners are acquitted of the charges.

31st March, 2016
'raj'

(ANITA CHAUDHRY)
JUDGE