

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-12606-2016 in/and
CRR No.157 of 2010 (O&M)
Date of decision: May 06, 2016.

Phool Kant Jha

... **Petitioner**

v.

Hazari Lal

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Sharad Aggarwal, Advocate for the petitioner.

Shri Kunal Dawar, Advocate for the complainant-respondent.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

A.B. Chaudhari, J. (Oral):

Counsel for the revision petitioner has filed an application for recording compromise. There is an affidavit of Phool Kant Jha, i.e., the petitioner, which is accompanied by the order made by the Lok Adalat on 20th March, 2011 in execution proceedings duly recorded.

Shri Kunal Dawar, learned counsel for the complainant Hazari Lal appears for him and having been apprised of the present application for recording compromise, states that the money under the cheque stands paid to the complainant, his clients, and he would have no objection if the present proceedings are disposed of as compromised.

Learned Counsel for the petitioner states that the petitioner has already undergone sentence of about 4 months and 18 days and under the compromise, has also paid the entire amount to the complainant-respondent.

In view of the complainant and the accused-revision petitioner having arrived at a compromise and the payment in dispute having been made to the complainant, I think in the light of the parameters laid down in the decision of the Apex Court in the case of Gian Singh v/s State of Punjab, (2012)10 SCC 303, the compromise should be recorded and the revision petitioner should be sentenced only for the sentence which has already been undergone.

In view of the parties having recorded a compromise before the Lok Adalat, in the result I make the following order:-

ORDER

- (i) CRM as well as the CRR both are disposed of in terms of the motion made in CRM No.12606 of 2016.
- (ii) The revision petitioner is sentenced to undergo the sentence already undergone by him and the impugned order of sentence stands accordingly modified.

May 06, 2016.
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[**A.B. Chaudhari**]
Judge