

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-7762 of 2015

Date of decision : 14.03.2016

Harmandeep Singh and others

..... Petitioners

versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mrs. Anupam Bhanot, Advocate
for the petitioners**

Mr. K.S. Aulakh, AAG Punjab

**Mr. Amit Arora, Advocate
for respondent No. 2**

ANITA CHAUDHRY, J. (ORAL)

Through the instant petition, the petitioners have laid challenge to the judgment of conviction and sentence passed by the Court below in Criminal Complaint Case No. 62 under Sections 406, 498-A IPC and 5/13 of Domestic Violence Act.

The accused were tried for the charge under Sections 406 and 498-A IPC. They were sentenced to undergo simple imprisonment for two years under Section 406 and 498-A IPC. The sentences were ordered to run concurrently.

The instant petition was filed by the petitioners challenging the conviction. Compromise, Annexure P-2 has also been annexed with the petition alleging that now the parties have mutually settled the matter.

Learned counsel for the petitioners states that compromise was effected between the parties at the appellate stage. He further states that petitioner No. 3 had died during the pendency of the petition. He has placed on record the amended Memo of Parties.

Report has been received from the Appellate Court after statements of the parties were recorded regarding the compromise.

The Appellate Court has reported that the compromise is voluntary and without any pressure or coercion. The Court has also sent the statements given by the parties.

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

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 accused 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. The judgments of conviction and sentence passed by the Courts below is set aside and the petitioners are acquitted.

March 14, 2016

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**(ANITA CHAUDHRY)
JUDGE**