

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

CRR-291-2015 (O&M)
Date of decision : 26.09.2016

Harnek Singh and others

...Petitioners

Versus

Harbans Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Y.M. Bhagirath, Advocate,
for the petitioners.

Mr. Munish Bansal, Advocate,
for the respondent.

JITENDRA CHAUHAN, J. (Oral)

The petitioners herein were convicted by the Court of learned Sub Divisional Judicial Magistrate, Talwandi Sabo, vide judgment and order dated 08.01.2013, in a complaint case, filed by the respondent herein, for the commission of offences punishable under Sections 148, 427 and 506 of the Indian Penal Code, and to undergo substantive sentence of rigorous imprisonment for a period of 01 year and fine of Rs.500/- each with default stipulations.

Feeling aggrieved, the petitioners went in appeal before learned Additional Sessions Judge (Fast Track Court), Bathinda, which was partly allowed vide judgment dated 15.01.2015, and while

maintaining the judgment of conviction, the sentence of the petitioners was reduced to six months in each section.

Hence the present criminal revision petition.

It is the case of the respondent-complainant that the petitioners in prosecution of their common object armed with deadly weapons and spades trespassed into the fields of the respondents; forcibly discharged the water of their turn into the land of the respondent; threatened to kill the respondent-complainant and others; and damaged the wheat crop of the respondent of the value of Rs.30,000/-.

On 31.03.2016, this Court passed the following order:-

“The allegations in this case are that the excess water was released in the fields of the complainant, for which the present petitioners have been convicted and sentenced by both the Courts below.

Learned counsel for the petitioners stated that the petitioners already remained in jail for one month.

In these circumstances, this Court has suggested to the petitioners whether they are ready to pay Rs.1,00,000/- as compensation to the complainant for damages caused to his crops.

Learned counsel for the petitioners seeks time to get instructions from his clients.

List on 17.5.2016.”

Learned counsel for the petitioners states that the petitioners undertake to deposit Rs.1,00,000/- in pursuance of order dated 31.03.2016, and another amount of Rs.15,000/- towards costs of litigation, in favour of the complainant, with the Chief Judicial Magistrate/Illaqa Magistrate, within a period of 10 days from the date of receipt of a certified copy of this judgment. Learned counsel cites ***Surat Singh Vs. State of Uttaranchal (Now Uttarakhand), 2013(1) RCR (Criminal) 1011*** and prays that in view of the undertaking, the petitioners may be acquitted of the charges after allowing compounding of the offences.

Learned counsel for the respondent-complainant is not averse to the above proposal and states that in view of the statement made by learned counsel for the petitioners, he has no objection, in case, the prayer is accepted.

This Court has considered the submissions of the learned counsel for the parties.

Hon'ble the apex Court in Surat Singh's case (supra), has held in para 6 as under:-

“6. We have heard learned counsel for the

parties and, in particular, the learned counsel appearing for respondent No.2. He submits that he has compromised the lis with the appellant at her own will. In view of the above, while disposing of this appeal, we accord permission to compound the offences and the effect of this would be the acquittal of the accused with the offences he is charged with.”

Applying the ratio of '**Kulwinder Singh and others V. State of Punjab and another'** reported as 2007(3) RCR (Criminal) 1052, in view of the fact that the parties have reached an amicable settlement with the intervention of this Court, though offence under Section 148 IPC is not compoundable, but in the peculiar facts and circumstances of the case, where the respondent has been satisfactorily compensated, the present revision petition is allowed. The impugned judgments passed by learned Courts below are set aside and the petitioners are acquitted of the offences they are charged with.

The petitioners are stated to be on bail. Their bail bonds shall stand discharged.

However, it is made clear that in case, the amount of Rs.1,15,000/-, is not deposited within the stipulated period, the present petition shall be deemed to have been dismissed, without further notice. The amount, so deposited, shall be released in favour of the

complainant, on his making an application in this regard before the concerned Court.

26.09.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No