

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-3319-2015 (O & M)
Date of decision:04.04.2016

Krishan Dahiya

...Petitioner(s)

Versus

State of Haryana and anr.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. S.S. Nara, Advocate,
for the petitioner(s).

Ms. Tanushree, DAG, Haryana.

Mr. Deepak Girotra, Advocate,
for respondents No.2.

Rajan Gupta, J. (oral)

The present petition has been filed against the order dated 20.04.2015 passed by ACJM, Rohtak and order dated 04.08.2015 passed by Additional Sessions Judge, Rohtak, whereby the accused-petitioner was sentenced to undergo three years' rigorous imprisonment and to pay a fine of ₹43,000/- and in default of payment of fine to further undergo rigorous imprisonment for the offence under Sections 420/506/406 and 427 IPC.

FIR was registered on the complaint of respondent No.2 namely Ranbir Singh. Charges were framed by the trial court under Sections 420 and 427 IPC. Complainant alleged that the accused supplied him ENKAY J & K cement Mini Plant instead of 43 Grade J.K. cement. It was used by him for construction of a staircase. Cement being of inferior quality, the staircase collapsed. On the basis of evidence led, accused were convicted by the trial court. The conviction was upheld by the appellate court vide its order dated 04.08.2015. However, sentence for offence under Section 420 IPC was reduced from four years to three years.

During the pendency of the instant petition, matter was referred to Mediation & Conciliation Centre of this court. A report has

been received from the aforesaid Forum. According to same, parties entered into a compromise and the petitioner paid a sum of ₹1,70,000/- as compensation to respondent No.2 as final settlement of the dispute.

Admittedly, no other civil or criminal litigation is pending between the parties. Today, prayer has been made that in view of the compromise, the accused be acquitted of the charges under Sections 420 and 427 IPC. In view of Sections 320(1) Cr.P.C., offence under Section 427 IPC is compoundable by the person to whom damage has been caused. Offence under Section 420 can be compounded with the permission of the court. In the eventuality, this court allows the parties to compound the offences, it would have the effect of acquittal as envisaged under Section 320 (8) Cr.P.C.

The dispute being private in nature and petitioner having compensated the complainant before the Mediation and Conciliation Centre, this court accepts the prayer for compounding of offences under Section 420 and 427 IPC. Complainant has already made a statement in the compromise deed which is reduced into writing that he has not objection if both the offences are allowed to be compounded. Under the circumstances, this petition is allowed. The compounding of aforesaid offences would have the effect of acquittal. The petitioner is hereby acquitted.

04.04.2016
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether to be referred to the reporter : Yes