

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 281

Criminal Revision No.2275 of 2016 (O & M)
Date of Decision: July 26, 2016

Rakesh @ Tinnu & others

..... PETITIONERS

VERSUS

State of Punjab

..... RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. K.G. Chaudhary, Advocate, for the petitioner.

Mr. A.S. Sidhu, Assistant Advocate General, Punjab.

Mr. Gautam Bhardwaj, Advocate, for the complainant.

. . .

Jaspal Singh, J

1. The instant revision petition has been preferred by Rakesh @ Tinnu & others against judgment dated May 30, 2016 passed by the Additional Sessions Judge, SAS Nagar, Mohali, whereby judgment of conviction and order of sentence dated January 15, 2015 passed by the Chief Judicial Magistrate, SAS Nagar, Mohali, in case FIR No.161 dated September 29, 2011 under Sections 452, 323, 506, 148, 149 IPC, Police Station, Phase – 1, Mohali, has been upheld. Vide the impugned judgments/order, the petitioners alongwith their co-accused have been convicted and sentenced to undergo a maximum period of RI for 2 years

under Sections 452, 323, 148 and 325 read with Section 149 IPC besides fine.

2. In the petition itself, it has been averred that parties have compromised the matter. In this regard, an affidavit duly sworn by complainant – Mamta has been annexed with the petition as Annexure P-1. It is evident from Annexure P-1 that complainant and accused persons are immediate neighbours and have settled the dispute with the intervention of respectables. She has further stated that she has no objection if case the conviction and sentence of accused persons are set aside or the case is disposed of in view of compromise.

3. To know the genuineness of compromise, vide order dated July 13, 2016, parties were directed to appear before the trial court/Illaq Magistrate for recording their statements and it was directed to send a report alongwith statements of parties with regard to validity or otherwise of the compromise.

4. In compliance of order dated July 13, 2016, report from learned Chief Judicial Magistrate has been received, in which, it has been observed that said compromise effected between the parties is genuine and result of free will & volition, without any coercion or undue influence. Even otherwise, the matter has been amicably put at rest. Compromise is the soul of justice, which not only enhances the social amity, harmony and peace but also reduces friction and discord.

5. Learned counsel for the complainant also reiterates that parties have compromised the matter and complainant has no objection if the judgment/order of conviction and sentence are set aside and accused are acquitted.

6. Keeping in view the totality of facts & circumstances and the fact that matter has been amicably settled between the parties, this court is of the considered view that continuation of proceedings between the parties would be an abuse of process of law and present compromise is for their benefit and will bring peace & harmony between them, and a chance be given to the petitioners to reform & improve themselves; to become good citizens; and to lead a peaceful & harmonious life.

7. Consequently, the instant petition is allowed. Impugned judgments/order(s) passed by the courts below are set aside and accused – petitioners are acquitted of the charge framed against them. They be released forthwith.

July 26, 2016
avin

(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No