

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

Crl. Revision No. 4193 of 2015(O&M)

Date of Decision: 05.01.2016

Jitender

.. Petitioner

Vs.

State of Haryana & Anr.

.. Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. Gopal Sharma, Advocate
for the petitioner.**

**Mr. G.S. Salwara, DAG Haryana
for respondent No.1-State.**

**Mr. Tarurag Gaur, Advocate
for respondent No.2.**

ANITA CHAUDHRY, J.

Through the instant petition, the petitioner has laid challenge to the judgments of conviction and sentence passed by the Courts below in FIR No. 154 dated 23.04.2011, under Sections 354, 457 and 506 IPC, registered at Police Station Mahendergarh.

FIR was registered by respondent No.2 on the allegations that on the night intervening 19/20.04.2011 accused Jitender trespassed into her house and tried to molest her and in the process he criminally intimidated her.

The accused was tried for the charge under Sections 354, 457 and 506 IPC. On the basis of evidence

adduced by the prosecution in the shape of testimonies of complainant, her husband, brother-in-law and father-in-law, the accused was held guilty under Sections 354 and 457 IPC and was acquitted under Section 506 IPC. He was substantively sentenced to undergo simple imprisonment for six months under each head. The sentences were ordered to run concurrently.

The appeal filed by the petitioner was dismissed by the Addl. Sessions Judge, Narnaul vide judgment dated 20.10.2015.

Dis-satisfied with the same, instant revision petition was filed by the petitioner challenging his conviction. Compromise, Annexure P-1 has also been annexed with the petition alleging that now the parties have mutually settled the matter before the Panchayat. The parties hale from same village and she has no objection if the petitioner is acquitted. Affidavit of the complainant in this regard has also been filed.

Learned counsel for the petitioner urged that the petitioner is in custody since 20.10.2015. He 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 are of the same village and 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 revision petition is allowed. The

judgments of conviction and sentence passed by the Courts below are set aside and the petitioner is acquitted of the charges. The petitioner be released forthwith in this case, if not required in any other case.

January 05, 2016
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(ANITA CHAUDHRY)
JUDGE