

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-4226-2014 (O & M)
Date of decision:21.01.2016

Harwinder Pal Singh

...Petitioner(s)

Versus

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ashish Gupta, Advocate,
for the petitioner(s).

Mr. Shilesh Gupta, Addl.A.G., Punjab.

Mr. C.S. Rana, Advocate,
for respondents No.2 to 5.

Rajan Gupta, J. (oral)

Petitioner was tried by the court of Judicial Magistrate Ist Class, Dasuya, for offences under Sections 406/420 IPC. Allegation against the petitioner who is employee of Indian Airlines is that he took ₹ 6,53,000/- from the complainant with the assurance that his son would be sent to U.S.A. Three years lapsed thereafter. Neither son of the complainant was sent to U.S.A. nor amount was returned. On the basis of complaint, investigation ensued. Investigating agency presented its report under Section 173 Cr.P.C. before the trial court. It examined as many as six witnesses in support of its case. On appraisal of evidence, Judicial Magistrate Ist Class, came to the conclusion that the petitioner was guilty of offence under Section 420 IPC and sentenced him accordingly. Petitioner unsuccessfully challenged his conviction before the Additional Sessions Judge, Hoshiarpur. The appellate court maintained the conviction as well as sentence.

Aggrieved petitioner preferred present revision petition before this court. Admittedly, during the pendency of this petition, a compromise, Annexure R-1, has been arrived at between the parties. Same is supported by affidavit, Annexure R-2.

Learned State counsel has apprised the court that out of substantive sentence of one year awarded to the petitioner, he has already undergone 07 months 10 days.

There can be no doubt that offence under Section 420 IPC is compoundable with the permission of the court by the person who is cheated. Since the parties have settled the dispute and petitioner has already undergone about 07 months of incarceration, I am of the considered view that parties can be allowed to compound the offence. This power can be exercised by the court in view of provisions of Section 320(6) Cr.P.C.

In the eventuality, this court allows the parties to compound the offence, it would have the effect of acquittal of the accused in view of sub-section (8) of Section 320 Cr.P.C. As this court has accepted the plea of the petitioner and allowed him to compound the offence, he is acquitted of the charges levelled against him.

The present petition is allowed in these terms.

21.01.2016
sukhpreet

(RAJAN GUPTA)
JUDGE

Referred to reporter ----- Yes.