

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

Crl. Rev. No. 462 of 2016 (O&M)

Date of decision : 16.08.2016

Jai Bhagwan

..... Petitioners

versus

State of Haryana & Anr.

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sansar Kundu, Advocate
for the appellant.

Mr. Sanjay Kr. Saini, AAG, Haryana.

Mr. Sumit Gupta, Advocate
for respondent no.2 - complainant.

--

ANITA CHAUDHRY , J.

Report from the Chief Judicial Magistrate, Sonapat regarding
the compromise has been received.

The trial of the petitioner in case FIR No.17 dated
20.01.2012, registered under Sections 323, 354, 498-A, 406, 506/34 IPC,
Police Station Baroda, Gohana, District Sonapat culminated in his
conviction & sentence on 14.09.2015/15.09.2015, passed by the Judicial
Magistrate Ist Class, Gohana. The petitioner was sentenced to undergo
undergo rigorous imprisonment for a period of 02 years along with fine of
Rs.5,000/- for commission of offence under Section 354 IPC. In default
of payment of fine he was to further undergo rigorous imprisonment for a
period of 2 months. He was further sentenced to undergo undergo
rigorous imprisonment for a period of 6 months for commission of
offence under Section 506 IPC. Both the sentences were ordered to run

concurrently.

The appeal preferred by the petitioner was dismissed by the Additional Sessions Judge, Sonapat on 25.01.2016.

Aggrieved with the same the petitioner has preferred the instant revision petition. During the pendency thereof, it is claimed that the parties have entered into compromise with the intervention of respectable persons. Affidavit of complainant reiterating the factum of compromise, was placed on record.

Report has been called from the Chief Judicial Magistrate, Sonapat, after statements of the parties were recorded regarding the compromise. The Chief Judicial Magistrate, Sonapat has reported that the compromise is voluntary and without any pressure or coercion. He has also sent original statements of parties along with the report.

Learned counsel for the petitioner has urged that now good sense has prevailed and parties have decided to settle the dispute by entering into a compromise. Affidavit of the complainant had been filed, wherein the factum of the parties having entered into compromise is reiterated. All the parties have appeared before the CJM, Sonapat and have affirmed the compromise. It is prayed that in view of the compromise, the petitioner may be acquitted.

Learned counsel appearing for the complainant states that the complainant has no objection if the petitioner is acquitted.

In the instant case, better sense has prevailed to the parties and they have put an end to their grievance and have settled the dispute with their free will without any pressure or coercion.

Since the parties have amicably settled their dispute, there is no legal impediment in granting permission to them to compound the offence.

In view of the statements and report of the CJM, Sonapat and the principles

laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, approved by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***, the instant revision petition is allowed. Consequently, the judgment of conviction and sentence passed by the Court below is set aside and the petitioner is acquitted of the charges.

**(ANITA CHAUDHRY)
JUDGE**

16.08.2016

'Sunil Sehgal'