

221

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S No. 2161-SB of 2014 (O&M)
Date of Decision: 14.11.2017

Mohan Singh @ Mohani

..... Appellant

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Jagraj Singh Khiva, Advocate,
for the appellant.

Mr. Hittan Nehra, Additional Advocate General, Punjab,
for the respondent.

Mr. Arvinder Singh, Advocate,
for the complainant.

SUDIP AHLUWALIA, J. (ORAL)

In this appeal, the appellant, who is an accused in F.I.R. No. 108, dated 27.06.2010, under Sections 307, 324, 323, 447, 511/34 of the Indian Penal Code, registered at Police Station Sadar Nabha, has prayed for quashing of the impugned judgment of conviction and order of sentence passed by the Court below, i.e., Additional Sessions Judge, Patiala, on the basis of compromise.

[2]. The appellant was convicted of the offence under Section 307 of the Indian Penal Code and was sentenced accordingly. Thereafter, the instant appeal has been filed, since the parties concerned have arrived at a settlement. The matter was referred to the Court below for recording of

statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Sub Divisional Judicial Magistrate, Nabha, vide report dated 26.10.2017, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[3]. Complainant is represented by his Counsel and he does not oppose the compromise.

[4]. In view of the report of the Sub Divisional Judicial Magistrate, Nabha, and in view of the decision of the Hon'ble Supreme Court in "*Gian Singh Vs. State of Punjab and another*", 2012(4) RCR (Criminal) 543 and "*Narinder Singh and Others Vs. State of Punjab and Another*", (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioner/ accused person.

[5]. In the circumstances and in view of the decisions of the Supreme Court in "*Gulab Das Vs. State of M.P.*", 2012 (1) R.C.R. (Criminal) 220 and "*Mukesh Kumar Vs. State of Rajasthan*", 2013 (11) S.C.C. 511, while sustaining conviction of the appellant for the offence under Section 307 of the Indian Penal Code, the matter is disposed off with a direction that no further sentence needs to be suffered by him nor any fine needs to be paid, apart from the sentence already undergone by him.

14.11.2017

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No