

279

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.40248 of 2015
Date of Decision: 07.12.2017

Ct. Dharambir

..... Petitioner

Versus

Satyanarayan and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Jagmohan S.Ghumman, Advocate,
for the petitioner.

Mr. Neeraj Jain, Advocate, for
Mr. Vikas Bishnoi, Advocate,
for respondent No.1.

Mr. Tanuj Sharma, A.A.G., Haryana,
for respondent No.2.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioner, who is an accused in Criminal Complaint No.279, dated 19.09.2006, under Sections 452, 323, 504, 506, 326 and 34 of the Indian Penal Code, (Annexure P-1), has prayed for quashing of the Criminal Complaint with all subsequent proceedings on the basis of compromise.

[2]. The petitioner was convicted of the offences under Sections

323 and 452 of the Indian Penal Code read with Section 34 of the Indian Penal Code by the Court of the Ld. Judicial Magistrate Ist Class, Gurgaon, on 03.03.2015. Now, the petitioner has filed the present petition seeking quashing of the Criminal Complaint with all subsequent proceedings on the basis of compromise he has arrived at with the complainant Satyanarayan.

[3]. 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 Additional District and Sessions Judge, Gurgaon, vide report dated 25.01.2017, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[5]. Respondent No. 1 is represented by his Counsel and does not oppose the compromise.

[6]. In view of the report of the Additional District and Sessions Judge, Gurgaon, 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.

[7]. 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 petitioner for the offences

under Sections 323 and 452 of the Indian Penal Code read with Section 34 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.

07.12.2017

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

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