

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

101+384

**CRM Nos. 25042, 25043 of 2009,
38783 of 2010, 28307 and 40683 of
2016, & 15597 and 15598
of 2017 and CRR No. 470 of 2009**

Date of decision: 12.05.2017

Ved Pal and another

...PETITIONERS

VERSUS

State of Haryana

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. H.S.Baath, Advocate,
for the petitioners.**

**Mr. Ashish Yadav, Additional Advocate General, Haryana,
for the State.**

**Mr. Kuldeep Sheoran, Advocate,
for the complainant.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM No. 15597 of 2017

**Prayer in this application is for placing on record the
Compromise dated 03.05.2017 (Annexure P-5) and the Affidavit of
Raj Kumar son of Kali Ram-complainant dated 03.05.2017 (Annexure P-6).**

Prayer granted. Annexures P-5 and P-6 are taken on record.

Application stands disposed of accordingly.

CRM No. 15598 of 2017 and CRR No. 470 of 2009

**Prayer in CRM No. 15598 of 2017 is for disposing of the
present criminal revision in the light of the compromise entered into**

between the parties, copy of which has been placed on record as Annexure P-5.

By judgment of conviction and order of sentence dated 15.12.2007 passed by the Chief Judicial Magistrate, Jind, both the petitioners were convicted under Sections 420 & 467 IPC and petitioner Jagdish Rai individually under Section 471 IPC in addition and sentenced to undergo rigorous imprisonment for a period of 2 years under Sections 420 & 468 IPC and to pay a fine of ₹500/- on each count with default stipulation. In addition thereto, petitioner Jagdish Rai was further sentenced to undergo rigorous imprisonment for three years and to pay a fine of ₹500/- with default stipulation. Against the said judgment, the petitioners filed appeal before Additional Sessions Judge, Jind, which was dismissed by order dated 13.02.2009 upholding the conviction and sentence of the petitioners.

It is the contention of the learned counsel for the petitioners that the dispute was primarily relatable to a property, which was sold by the petitioners by forging power of attorney of their brother Raj Kumar and committed a fraud on him. During the pendency of the present revision petition, a compromise has been entered into between the parties they being close relatives and in pursuance thereto, the petitioners pray that the present revision petition may be disposed of by setting aside the conviction and sentence.

Counsel for the State contends that the prayer for quashing of the FIR cannot be accepted. However, keeping in view the fact that a compromise has been entered into between the parties, the Court can take a lenient view thereof as they are close relatives.

The complainant-Raj Kumar, who is present in Court and has been identified by his counsel, who has filed his power of attorney today in Court, states that a compromise has been entered into between him and the petitioners on 03.05.2017, copy of which has been placed on record as Annexure P-5. He further states that as of now there is no dispute and he would have no objection if the Court passes any appropriate orders.

I have considered the submissions made by the counsel for the parties and in the light of the compromise, which has been entered into between the complainant and the petitioners, who are close relatives in fact real brothers, this Court having taken a lenient and sympathetic view and in the light of the fact that the incident was of the year 2006 and the petitioners have faced agony of protracted criminal proceedings of more than 10 years, the conviction of the petitioners is although upheld but sentence is reduced to the period already undergone by them.

The application and the revision petition stands disposed of accordingly.

CRM Nos. 25042, 25043 of 2009, 38783 of 2010, 28307 and 40683 of 2016.

In view of the disposal of the main petition, these applications have been rendered infructuous and are disposed of as such.

May 12, 2017
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No