

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44743-2016 (O&M)

Date of decision: March 09, 2017.

Amrik Singh

... **Petitioner**

v.

State of Haryana and another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri S.S. Shekhawat, Advocate for the petitioner.

Shri D.S. Salwara, Deputy Advocate General, Haryana.

Shri Madan Sandhu, Advocate for respondent No.2.

A.B. Chaudhari, J. (Oral):

Rule. Heard forthwith with the consent of learned counsel for the rival parties.

The petitioner was convicted by the trial court by judgment and order dated 18.2.2015 for offence under Section 326 IPC and was sentenced to undergo RI for three years. The petitioner then filed appeal before the first appellate court and the said appeal is pending adjudication. During the pendency of the appeal, the complainant as well as the petitioner-accused have arrived at a compromise.

Shri Madan Sandhu, Advocate appears for the complainant-respondent No.2. Counsel for both the parties jointly make a statement that indeed compromise has been arrived at (Annexure P-2). The parties are the residents of the same village and want to live in peace rather than continuing with the enmity. Statements have also been recorded, as ordered by this Court. The petitioner has approached this Court in the above factual

background invoking power under Section 482 Cr.P.C. for compounding/ compromise in relation to FIR No.151 dated 11.6.2007, under Sections 323, 324, 326 IPC, registered at Police Station Sampla, District Rohtak, in which ultimately order of conviction has been recorded.

The FIR relates to the year 2007 and has resulted into conviction also. There is a motion for compromise/compounding on the ground that the parties belong to the same village and would like to live in peace. I think since the petitioner and the complainant are residents of the same village, they should be allowed to compound the offences in question in order that they will live in peace and harmony. However, since the challan was filed and trial was conducted, obviously the petitioner was responsible for utilization of the entire machinery and therefore will have to pay compensation to the State of Haryana in the sum of Rs.25,000/- within a period of eight weeks. Hence, the following order is passed:-

ORDER

- (i) CRM-M-44743-2016 is allowed by way of compounding/ compromise;
- (ii) the petitioner shall pay a sum of Rs.25,000/- in the Chief Minister Relief Fund within eight weeks;
- (iii) FIR No.151 dated 11.6.2007, under Sections 323, 324, 326 IPC, registered at Police Station Sampla, District Rohtak as well as the judgment and order dated 18.2.2015 of the trial court are quashed and set aside by way of compounding/ compromise subject to deposit of Rs.25,000/- in the accounts of Chief Minister Relief Fund;
- (iv) if the amount of Rs.25,000/- is not deposited in the

accounts of the Chief Minister Relief Fund within the stipulated time of eight weeks, this order would come to an end automatically without further reference to this Court.

March 09, 2017.
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[**A.B. Chaudhari**]
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No