

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1412 of 2014 (O&M)

Date of Decision: 13.09.2017

OM PARKASH AND OTHERS

...Petitioners

VS.

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Sant Pal Singh Sidhu, Advocate,
 for the petitioners.

 Mr. C.L. Pawar, Sr. DAG, Punjab.

 Mr. Pawan Kumar Suri, Advocate,
 for Mr. R.S. Chauhan, Advocate,
 for respondent No. 2.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

KULDIP SINGH, J. (ORAL)

The petitioners Om Parkash, Desh Raj and Hari Chand were convicted by the both the Courts below under Section 452, 323 and 324 of Indian Penal Code read with Sections 148 and 149 Indian Penal Code and sentenced to undergo various imprisonments.

During the pendency of the present revision, the parties have entered into compromise. Both the parties were directed to appear before the learned Judicial Magistrate Ist Class, Fazilka who was directed to report about genuineness of the said compromise between the parties.

The report of the learned Judicial Magistrate Ist Class, Fazilka has been received wherein it is reported that parties have entered into the compromise and that the said compromise is without undue influence, coercion or any pressure. The compromise was reported to be genuine.

The offence under Section 323 of Indian Penal Code is compoundable without the permission of the Court whereas the offence under

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Section 324 of the Indian Penal Code is compoundable with the permission of the Court only. The offence under Section 148 is connected with the above noted offences.

In order to keep good relations between the parties, permission is hereby granted to compound the offences.

In view of the fact that the parties have effected a compromise and offences under Sections 323 and 324 of Indian Penal Code have been lawfully compounded, the judgments of both the Courts below are hereby set aside and the petitioners are acquitted of the charges under Sections 148, 323 and 324 of Indian Penal Code framed against them.

Now coming to the offence under Section 452 of Indian Penal Code. It comes out that the dispute between the parties was regarding passage. The complainant is stated to have been assaulted at his plot. However, it is not disputed that an FIR was registered wherein offence under Section 452 was not made out. It is stated that the occurrence took place in the passage. Learned counsel for the complainant-respondent No. 2 has not disputed that occurrence took place in the passage.

In view of the matter, the petitioners also stand acquitted of the charge framed against them under Section 452 read with Section 149 of Indian Penal Code. The revision is accordingly allowed. The bail bonds of the petitioners stand discharged.

September 13, 2017

Suresh Kumar

(KULDIP SINGH)
JUDGE

***Whether speaking / reasoned* :**

✓
Yes / No
✓

***Whether Reportable* :**

Yes / No