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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR No. 431 of 2013 (O&M)

Date of Decision: 26.09.2017

Sarwan Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Ms. Gursharn K.Mann, Advocate,
for the petitioners.

Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioners, who are accused in F.I.R. No. 92 of 2003, under Sections 326/324/323/506/34 of the Indian Penal Code, registered at Police Station Gharinda, have prayed for setting aside the judgment passed by both the Courts below.

[2]. The petitioners were convicted of the offences under Sections 326/324/323/34 of the Indian Penal Code. Petitioner No. 2, namely Davinder Singh, was sentenced to undergo simple imprisonment for a period of two and a half years under Section 326 of the Indian Penal Code and to pay fine of ₹ 1000/- (Rupees One Thousand Only), whereas petitioners No. 1 and 3, namely Sarwan Singh and Angrej Singh,

respectively, were sentenced to undergo simple imprisonment for a period of two and a half years under Section 326 of the Indian Penal Code read with Section 34 of the Indian Penal Code and to pay fine of ₹ 1000/- each. On non-payment of fine of ₹ 1000/- (Rupees One Thousand Only) by any of the three convicts, they were further sentenced to undergo simple imprisonment for a period of two days. Davinder Singh was further sentenced to undergo simple imprisonment for a period of two and a half years under Section 324 of the Indian Penal Code and to pay fine of ₹ 500/- (Rupees Five Hundred Only), while convicts Sarwan Singh and Angrej Singh were sentenced to undergo simple imprisonment for a period of two and a half years each under Section 324 read with Section 34 of the Indian Penal Code and also to pay fine of ₹ 500/- each. On non-payment of fine of ₹ 500/- (Rupees Five Hundred Only) by any of the three convicts, they were further sentenced to undergo simple imprisonment for a period of two days. Convict Angrej Singh was further sentenced to undergo simple imprisonment for a period of one year under Section 323 of the Indian Penal Code and to pay fine of ₹ 500/- (Rupees Five Hundred Only), while convicts Sarwan Singh and Angrej Singh were sentenced to undergo simple imprisonment for a period of one year under Section 323 of the Indian Penal Code read with Section 34 of the Indian Penal Code and also to pay fine of ₹ 500/- each. On non-payment of fine of ₹ 500/- (Rupees Five Hundred Only) by any of the three accused, they were further sentenced to undergo simple imprisonment for a period of two days. All the sentences were ordered to run concurrently. Their appeal against such judgment of conviction was also dismissed. Thereafter, the instant application 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 Chief Judicial Magistrate, Amritsar, vide report dated 11.07.2013, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[3]. Respondent No. 2 is not present nor he is represented by his counsel. However, he has made a statement on 04.07.2013, before the Chief Judicial Magistrate, Amritsar, whereby he has admitted the factum of compromise with the accused out of his free will and willful consent and deposed that there is no pressure upon him and there is no other case pending between them, except the present case, and also stated that he has no objection, if the present F.I.R. is quashed.

[4]. In view of the report of the Chief Judicial Magistrate, Amritsar, 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 petitioners/ accused persons.

[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 petitioners for the offences under Sections 326/324/323/34 of the Indian Penal Code, the matter is

disposed off with a direction that no further sentence needs to be suffered by them nor any fine needs to be paid, apart from the sentence already undergone by them.

26.09.2017

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

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