

224

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRR No. 917 of 2014

Date of Decision: 10.10.2017

Darshan Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. P.K.S. Phoolka, Advocate,
for the petitioner.

Mr. D.R. Singla, D.A.G., Haryana.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioner, who is an accused in Complaint under Sections 406, 420, 468 and 471 of the Indian Penal Code, registered at Police Station Ambala Sadar, has prayed for setting aside the judgment passed by the Court below.

[2]. The petitioner was convicted of the offence under Section 406 of the Indian Penal Code and was sentenced accordingly. His appeal against such judgment of conviction was also dismissed. Thereafter, the instant petition 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 Additional Chief Judicial Magistrate, Ambala, vide report dated 26.05.2014, 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 23.05.2014, before the Additional Chief Judicial Magistrate, Ambala, whereby he has admitted the factum of compromise with the accused and deposed that he has received amount from accused and he has no objection if the present petition is allowed.

[4]. In view of the report of the Additional Chief Judicial Magistrate, Ambala, 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.

[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 petitioner for the offence under Section 406 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.

10.10.2017

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

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