

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

**CRR No. 2094 of 2017
DATE OF DECISION :- October 13, 2017**

Maya Ram **...Petitioner**

Versus

State of Haryana **...Respondent**

CRR No. 2031 of 2017

Om Parakash **...Petitioner**

Versus

State of Haryana and another **...Respondents**

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Deepak Sharma, Advocate for the petitioner
in CRR No. 2094 of 2017.

Mr. Lekh Raj Sharma, Advocate for the petitioner
in CRR No. 2031 of 2017.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

Briefly stated the prosecution story is that F.I.R. in this case was registered on the basis of statement of complainant Somwati, who had filed a complaint in the court which was forwarded to Police Station Safidon in which she contended that accused Maya Ram, Sahil Cheema and Om Parkash had demanded a sum of ₹1,89,800/- from her for the purpose of sending son of complainant to Australia and then amount in the form of bank draft was accordingly handed over by the complainant to Om Parkash on 2.12.2007. It

was got duly encashed by the accused. On being asked, a further sum of ₹46,000/- was paid by the complainant to the accused, however, accused could not manage migration to the son of the complainant to Australia. Om Parkash had given a cheque to the complainant, but, that was dishonoured due to insufficient funds. Om Parkash has admitted his guilt in assembly of respectables and undertook to return the amount but to no effect. The accused did not return the amount despite repeated demands by the complainant.

On these allegation, formal F.I.R. was registered and the matter was investigated. Om Parkash was found to be innocent, whereas Sahil Cheema could not be arrested and was declared a proclaimed offender. Maya Ram was arrested in this case and he was sent up to face trial. Subsequently, during trial an application under Section 319 Cr.P.C. was filed and Om Parkash was summoned as additional accused. After trial, Judicial Magistrate, Ist Class, Safidon vide his judgment dated 21.3.2014 acquitted Maya Ram and Om Parkash of the charge framed against them. However, on appeals having been filed by the complainant Somwati, those were accepted by the Additional Sessions Judge, Jind vide judgment dated 23.5.2017 and both the accused were convicted for offences under Sections 420 IPC and 120B IPC and were sentenced as follows :-

Under Section 420 IPC	Rigorous imprisonment for two years and to pay a fine of ₹1000/- each and in default of payment of fine, they shall further undergo R.I. for one month each.
Under Section 120B IPC	Rigorous imprisonment for two years and to pay a fine of ₹1000/- each and in default of payment of fine, they shall further undergo R.I. for one month each.

Both the substantive sentences were ordered to run concurrently.

The accused-convicts have preferred Revision Petition before this Court. On notice, the complainant had appeared. The matter was referred to Mediation and Conciliation Centre of this Court. The parties have amicably settled the dispute. Written settlement between the parties have been forwarded to this Court. In the said written compromise, Somwati has contended that she has no objection if Criminal Revisions filed by the accused/convicts are accepted and their conviction is set aside. An application under Section 320 Cr.P.C. has been filed for permission to compound the offences. Keeping in view the nature of offence, I find that it would be in the fitness of things to allow the application since that would promote public peace and tranquility. Therefore, application is allowed in terms of the compromise arrived at between the parties before the Mediation and Conciliation Centre of this court and the report received therefrom.

The offences under Sections 420 IPC and 120B IPC are allowed to be compound. Resultantly, the judgment passed by Additional Sessions Judge, Jind is set aside and petitioners are acquitted of the charges framed against them.

Petitions stand allowed accordingly.

**(H.S. MADAAN)
JUDGE**

October 13, 2017

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No