

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

CRR No. 3431 of 2017 (O&M)

DATE OF DECISION :- September 29, 2017

Sumit

...Petitioner

Versus

State of Haryana and another

...Respondent

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

Present:- Mr. Rahul Gautam, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

Mr. Ajaivir Singh, Advocate for respondent no.2.

Vide Judgment dated 2.11.2015, Ashok and Sumit were convicted by Judicial Magistrate, Ist Class, Gohana for offences under Sections 323 and 325 of the Indian Penal Code, whereas the co-accused Rakesh was acquitted of the charge framed against him. Both the convicts were sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of ₹500/- each and in default of payment of fine to undergo further rigorous imprisonment for three months under Section 323 IPC and as regards offence under Section 325 IPC they were sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of ₹1,000/- each and in default of payment of fine to further undergo rigorous

imprisonment for six months. Both the sentences were ordered to run concurrently. The convicts had preferred an appeal which was dismissed by Additional Sessions Judge, Sonipat vide judgment dated 24.7.2017 as such they have approached this Court by way of filing the separate Revision Petition.

Notice of the Revision Petition was given to the State. State has appeared through State counsel, whereas complainant has put in appearance through counsel.

It is stated that accused-convict Sumit has entered into a settlement with complainant injured Anil Kumar. The application for permission to compound offences has been filed along with affidavit of Anil Kumar under Section 320 Cr.P.C. Offence under Section 323 IPC can be compounded by the person to whom hurt has caused whereas offence under Section 325 IPC can also be compounded by that person, however, permission of the Court is required for that purpose. Under sub section 6 of Section 320 Cr.P.C. High Court or Court of Sessions in exercising its powers in Revision under Section 401 Cr.P.C may allow any person to compound any offence which such person is competent to compound under this Section to promote peace and in order to enable the parties to live in harmony.

I find sufficient grounds to permit petitioner Sumit and complainant-injured Anil Kumar to compound offences. Resultantly, the judgment passed by the trial Magistrate convicting and sentencing the accused Sumit as well as judgment passed by the Additional Sessions Judge dismissing his appeal are set aside by way of acceptance of the Revision

Petition and he is acquitted of the charge framed against him. He be set at liberty if he is not required in any other case.

(H.S. MADAAN)
JUDGE

September 29, 2017
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No