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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR No. 570 of 2017 (O&M)

Date of Decision: 02.11.2017

Sukhdev Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Bikramjit Aroura, Advocate,
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab,
for respondent No. 1.

Mr. Vivek K.Thakur, Advocate,
for respondent No. 2.

SUDIP AHLUWALIA, J. (ORAL)

In this revision petition, the petitioners, who are accused in F.I.R. No. 109, dated 01.09.2009, under Sections 326/323/452/506/148/149 of the Indian Penal Code, registered at Police Station Valtaha, District Tarn Taran, have prayed for setting aside the judgment of conviction passed by the Court below on the basis of compromise.

[2]. The petitioners, along with three other persons, namely Angrej Singh, Gursahib Singh and Nachattar Singh, were convicted of the offences

under Sections 323, 326, 452 and 506 of the Indian Penal Code by the Court of the Ld. Judicial Magistrate Ist Class, Patti, on 11.09.2013. The appeal preferred by the present petitioners against such judgment of conviction was dismissed, while that of the remaining aforesaid three co-accused persons was pending, when those accused persons filed CRM-M No. 31282 of 2014 seeking quashing of the proceedings arising out of the original F.I.R. against them on the basis of compromise they had arrived at with the complainant/victim Salwinder Kaur. That petition was allowed by the detailed order passed by a Co-ordinate Bench of this Court on 09.09.2015 (Annexure P-1).

[3]. Now, the present petitioners have also compromised with the complainant/victim Salwinder Kaur.

[4]. 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 Judicial Magistrate Ist Class, Patti, vide report dated 23.10.2017, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[5]. Respondent No. 2 is represented by her Counsel and does not oppose the compromise.

[6]. In view of the report of the Judicial Magistrate Ist Class, Patti, 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 herself compromised the dispute with the petitioners/ accused persons.

[7]. 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 323, 326, 452 and 506 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.

02.11.2017

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

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