

Crl. Appeal No. S-3594-SB of 2013 (O&M)

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

**Crl. Appeal No. S-3594-SB of 2013 (O&M)
Date of decision : 21.11.2018**

Gurdeep Singh

..... Petitioner

versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. S.S. Salar, Advocate
for the appellant.

Mr. Jagmohan Ghumman, DAG, Punjab.

Complainant-respondent no.2 in person with
Mr. Manu R. Bhardwaj, Advocate.

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ANITA CHAUDHRY , J.

The trial of the appellant in case FIR No.120 dated 28.10.2008, registered under Sections 307, 323, 341, 406, 148, 149, 498A, 120B IPC, Police Station Kotwali Nabha, District Patiala was culminated into his conviction vide order of conviction & sentence dated 03.10.2013, passed by the Additional Sessions Judge, Patiala. The appellant was sentenced to undergo rigorous imprisonment for a period of two years along with fine of Rs.5,000/- for commission of offence under Section 406 IPC. In default of payment of fine he was to further undergo imprisonment for a period of 2 months. He was further sentenced to undergo rigorous imprisonment for a period of two years along with fine of Rs.5000/- for commission of offence under Section 498-A IPC. In default of payment of

fine he was to further undergo rigorous imprisonment for a period of two months. Both the sentences were ordered to run concurrently.

Aggrieved with the same the appellant has preferred the instant appeal. During the pendency thereof, it is claimed that the parties have entered into compromise. Copy of compromise-deed (Annexure A-1) and copy of judgment & decree of mutual divorce (Annexure A-2), reiterating the factum of compromise, have been placed on record.

Report had been called from the Chief Judicial Magistrate, Patiala, who had reported that the complainant has denied the factum of compromise. Notice was issued to the complainant. She has appeared and states that the matter has been compromised and admitted that she has received a demand draft of Rs.55 lacs from the petitioner as per compromise. Affidavit of complainant reiterating the factum of compromise has been filed today in the Court.

Learned counsel for the appellant has urged that good sense has prevailed and the parties have decided to settle the dispute by entering into a compromise. Copy of compromise deed has been filed, wherein the factum of the parties having entered into compromise is reiterated. Counsel further says that the complainant has appeared today in the Court and has admitted that she has compromised the matter. It is prayed that in view of the compromise, the appellant may be acquitted.

The complainant also states that she has no objection if the appellant is acquitted.

In the instant case, better sense has prevailed and they have put an end to their grievance and have settled the dispute with their free will without any pressure or coercion.

Since the parties have amicably settled their dispute, there is no legal impediment in granting permission to them to compound the offence. In view of the statements and report of the CJM, Rewari and the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, approved by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***, the instant appeal is allowed. Consequently, the judgment of conviction and sentence passed by the Court below is set aside and the appellant is acquitted of the charges.

**(ANITA CHAUDHRY)
JUDGE**

21.11.2018

'Sunil Sehgal'

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No