

Crl. Appeal No. S-4544-SB of 2015 (O&M)

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

**Crl. Appeal No. S-4544-SB of 2015 (O&M)
Date of decision : 04.12.2018**

Kushlaya Devi @ Ghogi

..... Appellant

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. J.S. Dadwal, Advocate
for the appellant.

Mr. Tanvir Joshi, A.A.G., Punjab.

Mr. Jasdeep Singh, Advocate
for the complainant.

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ANITA CHAUDHRY, J.

Report from the Chief Judicial Magistrate, Jalandhar
regarding the compromise has been received.

The trial of the appellant in case FIR No. 30 dated 27.02.2014, registered under Sections 306 IPC, Police Station Phillaur, District Jalandhar was culminated into her conviction vide orders of conviction and sentence dated 28.09.2015, passed by the Additional Sessions Judge, Jalandhar. The appellant was acquitted of the charge framed under Section of 306 IPC, however, she was held guilty for commission of offence under Section 498-A of IPC and was sentenced to undergo rigorous imprisonment for a period of 2 years along with fine of Rs.2,000/-. In default of payment of fine she was to further undergo rigorous imprisonment for a period of 1 month.

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 with the intervention of respectable persons. Copy of compromise-deed (Annexure P-1), reiterating the factum of compromise, has been placed on record.

Report has been called from the Chief Judicial Magistrate, Jalandhar, after statements of the parties were recorded regarding the compromise. Chief Judicial Magistrate, Jalandhar has reported that the compromise is voluntary and without any pressure or coercion. He has also sent statements of parties along with the report.

Learned counsel for the appellant has urged that the parties have decided to amicably 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. All the parties have appeared before the CJM, Jalandhar and have affirmed the compromise. It is prayed that in view of the compromise, the appellant may be acquitted.

Learned counsel appearing for the complainant states that the complainant 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. In view of this, the main appeal is taken up on Board today itself for final hearing.

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, Jalandhar 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**

04.12.2018

'Sunil Sehgal'

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No