

In the High Court of Punjab and Haryana at Chandigarh

Crl. Appeal No. S-5012-SB of 2014 (O&M)
Date of Decision: 22.3.2018

SukhbirAppellant

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Kulbir Dalal, Advocate for
Mr. M.S.Dalal, Advocate
for the appellant.

Ms. Mahima Yashpal, AAG, Haryana.

None for the complainant.

ANITA CHAUDHRY, J (ORAL)

Report from the Court below regarding compromise has been received.

Main appeal is taken up on Board for hearing today itself.

The trial of the appellant in case FIR No. 187 dated 26.3.2011, registered under Sections 498-A, 406, 323, 342, 506, 316, 34, 120-B IPC, Police Station Civil Lines, Hisar has culminated into his conviction vide judgment of conviction dated 18.11.2014 and order of sentence dated 20.11.2014, passed by the Additional Sessions Judge, Hisar. The appellant was sentenced to undergo the following imprisonment:-

Under Sections	Rigorous Imprisonment	Fine	In default S.I.
498-A IPC	two years	Rs. 5000/-	two months
406 IPC	two years	Rs. 5000/-	two months

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 the petition filed under Section 13-B of the Hindu Marriage Act (Annexure A-1), joint statement recorded therein (Annexure A-2) and order of the Court below dated 29.7.2017 (Annexure A-3) have been placed on record.

Report has been called from the Chief Judicial Magistrate, Hisar, after statements of the parties were recorded regarding the compromise. Chief Judicial Magistrate, Hisar has reported that the compromise is voluntary and without any pressure or undue influence. He has also sent statements of parties.

Learned counsel for the appellant has urged that the parties have decided to settle the dispute by entering into a compromise and a decree of divorce had been granted to appellant Sukhbir and complainant Pooja in a petition filed by them under Section 13-B of the Hindu Marriage Act. All the parties have appeared before the CJM, Hisar and have affirmed the compromise. He further states that the appellant is presently on bail. 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, the parties have put an end to their grievance and have settled the dispute. A decree of divorce has been passed in the petition filed under Section 13-B of the Hindu Marriage Act.

Since the parties have amicably settled their dispute, there is no legal impediment in granting permission to him to compound the offence. In

view of the statements and report of the CJM, Hisar 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 order of sentence passed by the Court below are set aside and the appellant is acquitted of the charges.

**(ANITA CHAUDHRY)
JUDGE**

March 22, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No