

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

Date of decision: 28.11.2018

1. CRM-M-10029-2018 (O&M)

Nachhattar Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

2. CRM-M-10051-2018 (O&M)

Balwinder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.S. Sidhu, Advocate for
Mr. R.S. Sekhon, Advocate
for the petitioners (in CRM-M-10029-2018) and
for respondents No.2 & 3 (in CRM-M-10051-2018).

Mr. Amandeep Saini, Advocate
for the petitioners (in CRM-M-10051-2018) and
for respondent No.2 (in CRM-M-10029-2018).

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J.

This order shall dispose of aforementioned two petitions i.e.

CRM-M-10029-2018 and CRM-M-10051-2018.

Prayer in CRM-M-10029-2018 is for quashing of criminal complaint No.32-1/18.09.2012 under Sections 326, 324, 323 of the Indian Penal Code ('IPC' for short) and Sections 3, 4, 5, 6, 7 of Atrocities of Schedules Castes and Scheduled Tribes Act as well as the judgment dated 28.10.2017 passed by the trial Court, vide which the petitioners were convicted under Sections 326, 323, 34 IPC and were sentenced to undergo R.I. for two years with a fine of Rs.1000/- vide order of sentence dated 28.10.2017 and in default of payment of fine, they were further ordered to undergo simple imprisonment for a period of 01 month each and all the subsequent proceedings arising out of the complaint.

Prayer in CRM-M-10051-2018 is for quashing of criminal complaint No.327-1/18.10.2012 under Sections 326, 324, 323, 148, 149 IPC and the judgment dated 28.10.2017 passed by the trial Court, vide which the petitioners were convicted under Sections 326, 324, 323, 149 IPC and were sentenced to undergo R.I. for two years with a fine of Rs.1000/- vide order of sentence dated 28.10.2017 and in default of payment of fine, they were further ordered to undergo simple imprisonment for a period of 01 month each and all the subsequent proceedings arising out of the complaint.

Brief facts of the case are that the petitioners, in both the cases, have faced criminal trial in two complaints filed against each other relating to the incident of 22.05.2012, in which a fight had taken place between two parties. The trial Court, after recording statements of the prosecution witnesses, held both the parties guilty of offences and thereafter, convicted them. The petitioners, in both the cases, have filed appeals before the lower appellate Court and the same are now pending before the Additional Sessions

Judge, Fazilka. During pendency of the appeals, both the parties have entered into a compromise and have filed the present petitions on the basis of said compromise.

Vide separate orders dated 09.03.2018 passed in both the cases, the parties were directed to appear before the trial Court/Illaqa Magistrate to get their statements recorded with regard to genuineness of the compromise.

The trial Court/successor Court has submitted separate reports in both the cases, in which it is stated that the complainant as well as the injured person(s) and the accused persons have appeared before the Court and have recorded their statements. As per statements of the parties, with the intervention of respectables of the village, they have compromised the matter and have decided to live in peace and the compromise is effected with free will, without any pressure or threat. Since the parties are residents of the same village, the compromise is effected for the betterment of their brotherhood and the society. It is also stated that except these cases/complaints, no other criminal case is pending against each other.

Learned counsel for the petitioners have relied upon a Division Bench judgment of this Court in **Sube Singh and another Vs. State of Haryana and another, 2013 (4) RCR (Crl.) 102**, wherein it has been held that compromise can be effected even during pendency of an appeal challenging the judgment of conviction and order of sentence and in the light of the said judgment, sentence can be reduced.

Since the petitioners, in both the cases, are complainant in other cases and the complaints have been filed as cross-case, in which both sets of petitioners were convicted and now with the intervention of respectables of

the village, they have reconciled their dispute and have decided to live in peace, while upholding the separate judgments of conviction of even date i.e. 28.10.2017, sentence awarded to the petitioners vide separately passed orders of sentence, is reduced to the period already undergone by them, in view of Division Bench judgment of this Court in **Sube Singh's** case (supra), however, subject to payment of costs of Rs.3,000/- per petition, to be deposited with the District Legal Services Authority concerned.

In view of the above, the appeals pending before the Additional Sessions Judge, Fazilka shall be disposed of.

With the aforesaid modifications, both these petitions are disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

28.11.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No