

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

**CRM-M-10902-2018
Date of decision: 16.07.2018**

Amandeep Singh @ Lucky

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sumeet Puri, Advocate
for the petitioner.

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

Mr. Sanjiv Kumar, Advocate for
Mr. G. P.S. Ghuman, Advocate
for respondent No. 2.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of FIR No. 22 dated 06.03.2014, registered under Section 420 of the IPC at Police Station Tallewal, District Barnala as well as the judgment dated 30.05.2017 and order of sentence of the even date (Annexure P-1), passed by the Judicial Magistrate First Class, Barnala, vide which, the petitioner was held guilty for commission of offence punishable under Section 420 of the IPC and was sentenced to undergo 02 years' rigorous imprisonment with a fine of ₹1000/- and in case of default of payment of the fine, he was ordered to undergo simple imprisonment for 15 days.

Brief facts of the case are that the aforesaid FIR was got registered by the respondent No. 2/complainant with the allegations that the petitioner/accused, on the pretext of sending the complainant abroad, had taken some money and despite giving assurance, he has not returned the

money back.

After registration of the FIR, the prosecution recorded statement of its witnesses and on the basis of the same, the petitioner was convicted under Section 420 IPC as noticed above.

Learned counsel for the petitioner submits that the appeal, filed by the petitioner, is pending before the Court of Additional Sessions Judge, Barnala and during the pendency of the said appeal, a compromise (Annexure P-2) has been effected between the parties on 01.03.2018 and as per the terms and conditions of the compromise, the parties have settled the money dispute and the money in dispute has been repaid to the complainant.

Vide order dated 15.03.2018, the parties were directed to appear before the lower appellate Court for recording of their statements in pursuance of the compromise effected between them. The lower appellate Court has recorded the statement of the complainant Mandeep Kaur who has stated that she has compromised the matter with petitioner Amandeep Singh and she acknowledged the compromise (Annexure P-2) placed on record. She has also stated that the said compromise has been effected out of her own free will and without any coercion, pressure or undue influence. Similarly the petitioner also got recorded the statement in support of the compromise. The lower appellate Court has also recorded the statement of ASI Mukhtiar Singh who identified the complainant and stated that there is only one accused who has not been declared a proclaimed offender.

The lower appellate Court, after recording the statement, has recorded a finding that the complainant and the accused, as per their statements, have deposed that they have entered into compromise dated 01.03.2018 without any pressure, coercion or undue influence.

Learned State counsel, on instruction from HC Baldev Singh, assisted by learned counsel for the complainant, has not disputed the fact that the matter has been compromised between the parties.

I have heard learned counsel for the parties.

In ***Sube Singh and another vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102***, a Division Bench of this Court has held that even after the conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C., can compound the offence.

In view of above, considering the fact that the petitioner has been convicted only under Section 420 IPC, this petition is allowed. Offence under Section 420 IPC is compounded and the sentence awarded to the petitioner is reduced to the sentence already undergone by him.

However, this order shall be subject to payment of cost of ₹5,000/- to be deposited with the District Legal Services Authority concerned within a period of 08 weeks from today, failing which, this petition will be deemed to have been dismissed without any further order.

July 16, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No