

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

Hemlata
2018.02.20 17:44
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CRM-M-14119-2017(O&M)

Date of decision:15.02.2018

Anuj Kumar and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S.Budhwar, Advocate, for the petitioners.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Parveen Mann, Advocate, for respondents No.2 and 3.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of FIR No.158 dated 21.12.2009 under Sections 323, 324, 326, 341, 506, 427, 34 of IPC, registered at Police Station Buria, District Yamuna Nagar and for setting aside the judgment of conviction dated 01.02.2014, vide which the petitioners were held guilty for committing offences punishable under Sections 341, 323, 324, 326 read with Section 34, 427 and 506 of IPC and the order of sentence dated 04.02.2014, vide which, the petitioners were sentenced to undergo rigorous imprisonment for a period of 3 years and to pay a total fine of Rs.7,500/- each and in default, they were directed to further undergo simple imprisonment for a period of 3 months, on the basis of compromise arrived at between the parties on 25.05.2016 (Annexure P-4), during the pendency of the appeal pending before the Lower Appellate Court.

Vide order dated 26.04.2017, the parties were directed to appear before the Appellate Court for recording their statements and the Appellate Court was directed to submit a report in this regard.

Brief facts of the case are that on the complaint made by Anil

Kumar-respondent No.2, the aforesaid FIR was registered against the petitioners and they faced the trial and were convicted and sentenced as per judgment /order of sentence dated 01/04.02.2014. The petitioners preferred an appeal which is now pending before the Additional District Judge, Yamuna Nagar.

In pursuance to the aforesaid order, the Additional District Session Judge, Yamuna Nagar, vide letter dated 20.01.2018, has submitted a report that the statement of the parties have been recorded and as per statement of the injured-complainant Anil Kumar, a compromise has been arrived at between the parties which is without any pressure, coercion or undue influence. Respondent No.3-Jagmal Singh has also appeared before the Lower Appellate Court and he deposed that he is the real uncle of the injured-complainant-Anil Kumar and a compromise has been arrived at between the parties. It is also stated by respondent No.3 that both the parties are neighbours and in view of the compromise, they have settled the disputes and there are living in peace & harmony and there is no ill-will between the parties.

In view of the report submitted by the Lower Appellate Court dated 30.05.2017, it is also reported that the joint statement of appellant and respondent No.2-complainant-Anil Kumar was recorded along with one witness Satish Chand Verma, who is known to be both the parties and the complainant and this witness have acknowledged that the matter has been compromised amicably and there is no ill-will between the parties.

Counsel for the petitioners has relied upon the Division Bench Judgment of this Hon'ble Court in Sube Singh and another Vs. State of Haryana and another, 2013(4) R.C.R. (Criminal) 102, wherein, it has been

held that even in case, where the parties have amicably settled their dispute after passing a judgment of conviction by the trial Court and the matter is pending before the Appellate Court, the High Court in exercise of its power under Section 482 Cr.P.C. can compound the offences.

Learned State counsel, on instructions from ASI Parveen Kumar, has not disputed the fact that the parties have entered into a compromise and they are living peacefully in the village and after the compromise, no complaint whatsoever has come to the police from either side.

In view of the same, it is apparent on record that the petitioners –accused as well as respondents No.2 and 3, the injured –complainant and the witness, have entered into a legal and valid compromise and they have no objections in case, the sentence awarded by the trial Court, be reduced to already undergo by the petitioners.

In view of the same, the present petition is allowed and the sentence awarded by the trial Court vide order dated 04.02.2014 is modified to the extent that the sentence awarded to the petitioners shall be reduced the sentence already undergone by them. It is stated that a fine has already been paid. This will be, however, subject to payment of costs of Rs.10,000/- to be deposited with the District Legal Services Authority, Yamuna Nagar. The deposit of costs shall be a precondition for consigning the file to record room.

(ARVIND SINGH SANGWAN)
JUDGE

15.02.2018
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No