

252-A

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.34546 of 2016
Date of Decision: 07.03.2018

Sat Pal @ Satyapal

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. B.S. Chahar, Advocate,
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana,
for respondent No.1.

Mr. Kulwant Singh Dhanora, Advocate,
for respondent No.2.

Mr. Rose Gupta, Advocate,
for the non-respondent (Rattan Kumar).

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioner, who is an accused in cross-version recorded under Sections 420, 506 and 323 of the Indian Penal Code in F.I.R. No.464, dated 03.09.2010, registered at Police Station Sadar Hisar, has prayed for quashing of judgment of conviction, dated 28.03.2016, and order of sentence, dated 30.03.2016, passed by the Court below, i.e. Judicial Magistrate Ist Class, Hisar, and further prays by making oral request that cross version in above F.I.R. with all subsequent proceedings may also be

quashed along with judgment of conviction.

[2]. The petitioner was convicted of the offence under Section 420 of the Indian Penal Code and was sentenced accordingly. Thereafter, an appeal was filed by both the parties before the Ld. Appellate Court. During pendency of appeal, the instant petition has been filed, since the parties concerned have arrived at a settlement. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Additional Sessions Judge, Hisar, vide report dated 23.11.2016, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[3]. Respondent No. 2 and the non-respondent (Rattan Kumar) are represented by their respective Counsels and they do not oppose the compromise.

[4]. In view of the report of the Additional Sessions Judge, Hisar, and in view of the decision of the Hon'ble Supreme Court in “Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543 and “Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioner/ accused person.

[5]. In the circumstances and in view of the decisions of the Supreme Court in “Gulab Das Vs. State of M.P.”, 2012 (1) R.C.R. (Criminal) 220 and “Mukesh Kumar Vs. State of Rajasthan”, 2013 (11) S.C.C. 511, while sustaining conviction of the petitioner for the offence

under Sections 420 of the Indian Penal Code, the matter is disposed off with a direction that no further sentence needs to be suffered by him nor any fine needs to be paid, apart from the sentence already undergone by him. The cross-version recorded under Sections 420, 506 and 323 of the Indian Penal Code in F.I.R. No.464, dated 03.09.2010, registered at Police Station Sadar Hisar, and all consequential proceedings arising therefrom, are also hereby quashed on the basis of compromise qua the present petitioner.

07.03.2018*Apurva***(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No