

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

Date of decision-12.11.2018

1. CRR-3208-2010 (O&M)

Lakhwinder Singh and others

...Petitioners

Vs.

State of Punjab and another

...Respondents

2. CRR-1950-2011

Baljinder Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. L.S.Virk, Advocate for the petitioners.

Mr. Harbir Sandhu, AAG, Punjab.

Mr. M.S.Atwal, Advocate for the complainant.

MANOJ BAJAJ, J.

CRR-3208-2010 (O&M)

The revision petition is directed against the judgment dated 17.11.2010 passed by Additional Sessions Judge, Ferozepur whereby the judgment of conviction and order of sentence passed by the trial Court on 03.11.2009 was partly affirmed. The Appellate Court maintained the conviction of petitioners, however, conviction of Gurdev Singh and Beant Singh recorded by trial Court was set aside.

On the basis of a complaint given by Baljinder Singh son of Pal Singh, a case FIR No.109 dated 16.07.2000, Police Station Khuian Sarwar was registered for the offences punishable under Sections 325, 323, 447, 506 and 148 IPC. After conclusion of trial, the trial Court convicted all the accused persons and awarded rigorous imprisonment (in short R.I) for a period of one year and fine of Rs.10,000/- each; in default of payment of fine to undergo R.I for a further period of 15 days under Section 325 IPC, R.I. for period of six months each under Section 323 IPC, R.I for a period of three months each under Section 447 IPC, R.I for a period of one year each under Section 506 IPC and R.I. for a period of one year each under Section 148 IPC. The sentences were ordered to run concurrently. Aggrieved against the judgment of conviction and order of sentence Criminal Appeal No.39/2009 dated 17.11.2010 was preferred. The Appellate Court maintained the conviction of the petitioners and proceeded to acquit Gurdev Singh and Beant Singh. However, the sentence was altered by reducing it to nine months.

During the pendency of the revision petition, the parties have entered into a compromise. A copy of the compromise along with the affidavits have been placed on record through CRM No.37925-2015. The compromise is signed by all the accused persons as well as the complainant. The injured victims and complainant have also filed their affidavits dated 26.09.2013, reiterating the factum of compromise.

Compromise reveals that with the intervention of the respectable members of village and Panchayat, the parties have amicably

resolved the dispute. The complainant/Baljinder Singh as well as his brother Jaswinder Singh (another victim) have no grudge against the convicts and other accused. They have no objection if the FIR is quashed. Besides, the complainant has not pressed his revision bearing No.CRR-1950 of 2011 against acquittal and has withdrawn the same.

The Courts have time and again highlighted the significance of compromise in modern society and has always accepted such settlements which are just, fair and free from undue pressure. In “**Kulwinder Singh and others Vs. State of Punjab and another**”, 2007 (3) R.C.R.(Criminal) 1052, the acceptance of compromise even in non-compoundable offences was accepted and the relevant observations are extracted below:-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under [Section 482](#) of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under [Section 482](#) of the Criminal Procedure Code in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.”

Since the parties have amicably settled the dispute and after settlement in the year 2013, there is no untoward incident between the parties and to further strengthen their relations, it would be in the interest of the justice to accept the compromise. The offences are compoundable.

In view of the above, the judgment of conviction and order of sentence dated 17.11.2010 passed by the Appellate Court is set aside and the FIR is rendered inconsequential and CRR No.3208 of 2010 stands allowed.

CRR-1950-2011

This revision petition also arises from the judgment dated 17.11.2010 passed by the appellate Court, which is on behalf of complainant, challenging the acquittal of Gurdev Singh and Beant Singh and reduction of sentence.

Keeping in view the compromise effected, learned counsel for the complainant does not press this revision petition and prays for withdrawal of the same.

Dismissed as withdrawn.

(MANOJ BAJAJ)
JUDGE

12.11.2018

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No