

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

**Crl. Rev. No. 2648 of 2012 (O&M)
Date of decision : 27.09.2018**

Sukhpal Singh and another

..... Petitioners

versus

State of Punjab & Anr.

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. P.K.S. Phoolka, Advocate
for the appellants-petitioners.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Abhishek Arora, Advocate
for respondent no.2-complainant.

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ANITA CHAUDHRY , J.

The trial of the petitioners in case FIR No. 172 dated 09.09.2002, registered under Sections 498-A, 406 IPC, Police Station City Mansa, District Mansa culminated in their conviction & sentence vide order dated 01.06.2011, passed by the Chief Judicial Magistrate, Mansa. The petitioners were sentenced to undergo rigorous imprisonment for a period of 02 years along with fine of Rs.3,000/- for commission of offence under Section 406 IPC. In default of payment of fine they were to further undergo rigorous imprisonment for a period of 2 months. They were further sentenced to undergo rigorous imprisonment for a period of 03 years along with fine of Rs.5,000/- for commission of offence under Section 498-A IPC. In default of payment of fine they were to further undergo rigorous imprisonment for a period of 2 months. Both the sentences were ordered to run concurrently.

The appeal preferred by the petitioners was dismissed by the Additional Sessions Judge, Mansa on 25.08.2012.

Aggrieved with the same, the petitioners have preferred the instant revision petition. During the pendency thereof, it is claimed that the parties have entered into compromise with the intervention of respectable persons.

Report has been called from the Chief Judicial Magistrate, Mansa, after statements of the parties were recorded regarding the compromise. The Chief Judicial Magistrate, Mansa has reported that the compromise is voluntary and without any pressure or coercion. He has also sent copy of statements of parties along with the report.

Learned counsel for the petitioners has urged that now good sense has prevailed and parties have decided to settle the dispute by entering into a compromise and petitioner no.1 and complainant have decided to part ways regarding which petitioner no.1 and complaint have filed a petition under Section 13-B of the Hindu Marriage Act. Copy of the petition filed under Section 13-B of the Hindu Marriage Act, reiterating the factum of compromise has been placed on record. Counsel further urges that all the parties have also appeared before the CJM, Mansa and have affirmed the compromise. It is prayed that in view of the compromise, the petitioners may be acquitted.

Learned counsel appearing for the complainant states that the complainant has no objection if the petitioners are acquitted.

In view of the above, the applications (CRM-36740-2017 & CRM-36741-2017) are allowed and the main petition is taken up on Board today itself.

MAIN CASE

In the instant case, better sense has prevailed to the parties and they have put an end to their grievance and have settled the dispute with their free will without any pressure or coercion.

Since the parties have amicably settled their dispute, there is no legal impediment in granting permission to them to compound the offence. In view of the statements and report of the CJM, Mansa and the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, approved by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, the instant revision petition is allowed. Consequently, the judgment of conviction and sentence passed by the Court below is set aside and the petitioners are acquitted of the charges.

**(ANITA CHAUDHRY)
JUDGE**

27.09.2018

'Sunil'

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No