

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

**Crl. Rev. No. 1702 of 2013 (O&M)
Date of decision : 04.10.2018**

Dalbir and another

..... Petitioners

versus

State of Haryana & Anr.

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Narinder Singh, Advocate
for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. J.S. Hooda, Advocate
for the appellant-respondent no.2.

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ANITA CHAUDHRY, J.

The trial of the petitioners in case FIR No. 212 dated 23.07.2007, registered under Sections 498-A, 406, 506, 323, 34 IPC, Police Station Sadar Palwal, District Palwal culminated in their acquittal by the Judicial Magistrate Ist Class, Palwal.

Aggrieved with the order complainant-respondent no.2 filed an appeal, which was allowed by the Addl. Sessions Judge, Palwal on 26.03.2013. The judgment dated 13.01.2012 was set aside and the petitioners were sentenced to undergo rigorous imprisonment for a period of 02 years along with fine of Rs.2,000/- each 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 1 month. They were further sentenced to undergo rigorous imprisonment for a period of

01 year for commission of offence under Section 406 IPC. Both the sentences were ordered to run concurrently.

Aggrieved with the order of conviction, 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, Palwal has reported that the compromise is voluntary and without any pressure or coercion. He has also sent the 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the dispute by entering into a compromise and petitioner no.1 and complainant have decided to reside together and have withdrawn all the cases. Affidavit of the complainant, reiterating the factum of compromise has been placed on record. Counsel further urges that all the parties have also appeared before the CJM, Palwal 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-applicant states that the complainant has no objection if the petitioners are acquitted.

In view of the above, the application (CRM-6793-2018) is allowed and the main revision 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 (2013) 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

04.10.2018

'Sunil'

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No