

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

CRR No. 1859 of 2016

DATE OF DECISION :- August 03, 2018

Pat Ram

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Ms. Simranjeet Kaur, Advocate
for Mr. Vivek Goel, Advocate for the petitioner.

Mr. Nitin Rampal, Advocate for respondent no.2.

Ms. Samina Dhir, DAG, Punjab.

Complainant Sukhpal Kaur had filed a complaint under Sections 452, 379, 354, 323, 427, 34 IPC against accused Pat Ram on the allegations that on 3.4.2010 at about 11. A.M., complainant Sukhpal Kaur was present at her house at Bala Patti Grid, Basti Nathana, District Bathinda then accused trespassed in her house while he was under the influence of liquor and he molested her.

After recording of preliminary evidence, accused was summoned. He put in appearance. After recording of pre charge evidence, formal charge for offence under Sections 452, 354 IPC was framed against him to which he pleaded not guilty and claimed trial. The accused subjected complainant Sukhpal Kaur to further cross-examination.

Thereafter, statement of accused was recorded under Section 313 Cr.P.C. He denied all the allegations contending that in an enquiry conducted by ASI Sukhmander Singh he was declared innocent. He has led evidence in defence there. After hearing arguments, learned Judicial Magistrate Ist Class, Bathinda convicted him for offence under Section 451, 354 IPC vide judgment dated 4.7.2015 and in terms of the order of even date sentenced him as follows :-

Name of Convict	Offence convicted	Sentence
1. Convict Patt Ram	U/s 451 IPC	Rigorous imprisonment for a period of one year and fine Rs.100/-. In default of payment of fine further R.I. for a period of 15 days.
	U/s 354 IPC	Rigorous Imprisonment for a period of one year.

Both the sentences were ordered to run concurrently.

Feeling aggrieved, he had preferred appeal to the Court of Sessions, which was assigned to Additional Sessions Judge, Bathinda but the same was dismissed vide order dated 4.5.2016. Still feeling dissatisfied, he has filed Criminal Revision Petition before this Court, notice of which was given to the respondents.

During the course of pendency of Criminal Revision Petition, the parties have entered into a compromise. Statement of complainant Sukhpal Kaur has been recorded by Judicial Magistrate Ist Class, Bathinda in terms of order passed by this Court.

As per report received from Judicial Magistrate Ist Class, Bathinda, compromise between the parties appears to be genuine,

voluntarily and without any coercion or undue influence.

Under Section 320 Cr.P.C. offence under Section 354 IPC is compoundable by the women assaulted to whom the criminal force was used whereas offence under Section 451 IPC is compoundable by the person in possession of the house trespassed upon. Of course, that can be done with permission of the Court. Here the complainant, who is also owner of the house has compounded the offence under Section 354, 451 IPC with the accused. Necessary permission is granted to her to do so since the settlement between the complainant and accused is in the interest of peace and tranquility in the society. Section 320 Sub Section 6 Cr.P.C. provides that the High Court or Court of Session acting in power of Revision under Section 401 Cr.P.C. may allow any person to compound any offence which such person is bound to compound under this Section.

Therefore, while granting necessary permission, the Criminal Revision Petition is accepted, the judgments of conviction and sentence passed by the Courts below are set aside. Resultantly, the revisionist is acquitted of the charges framed against him.

(H.S. MADAAN)
JUDGE

August 03, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No