

255-B

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

**CRR No.3379 of 2014 (O&M)
Date of Decision: 03.04.2018**

Subhash Patwari

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Rakesh Nehra, Advocate,
for the petitioner.

Mr. Manish Bansal, DAG, Haryana,
for respondent No. 1-State.

Mr. Ashok Kaushik, Advocate,
for respondent No. 2/complainant.

SUDIP AHLUWALIA, J. (ORAL)

In this revision petition, the petitioner, who is an accused in Criminal Complaint No.226/1 of 2006, under Sections 420, 467, 468, 471, 120-B, 406, 409 and 506 of the IPC, has prayed for setting aside the judgment of conviction passed by the Court below on the basis of compromise.

[2]. The petitioner was convicted of the offences under Sections 120-B and 167 of the IPC by the Court of the Ld. Sub Divisional Magistrate, Hodal, on 07.03.2012. The appeal preferred by the present petitioner against such judgment of conviction was dismissed by the Ld.

Additional Sessions Judge, Palwal vide order dated 07.08.2014.

[3]. Now, the present petitioner is in revision against both the judgments. He has, however, compromised the matter with the complainant, Harender Singh Sorout.

[4]. 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 Sub Divisional Judicial Magistrate, Hodal, vide report dated 03.02.2018, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[5]. Respondent No. 2 is represented by his Counsel, who does not oppose the compromise.

[6]. In view of the report of the Sub Divisional Judicial Magistrate, Hodal, 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.

[7]. 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 offences under Sections 120-B and 167 of the IPC, the matter is disposed off with a direction that no further sentence needs to be suffered by him nor any fine

03.04.2018
Bhumika

(SUDIP AHLUWALIA)
JUDGE

1.

Whether speaking/ reasoned

:

Yes/ No
2.

Whether reportable

:

Yes/ No