

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-4753-2016(O&M)
Date of decision:-3.8.2018

Gurpreet Singh @ Happy
...Petitioner
Versus

State of Punjab and another
...Respondents

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

Present: Mr.P.S. Punia, Advocate
for the petitioner.

Ms.Samina Dhir, DAG, Punjab.

Mr.Sanjeev Kumar, Advocate for
Mr.Jitender Singh Dadwal, Advocate
for respondent No.2.

H.S. MADAAN, J.

Accused Gupreet Singh @ Happy along with his father Ajit Singh, mother Balbir Kaur and brother Harpreet Singh @ Happy were tried by Judicial Magistrate Ist Class, Ludhiana and they were convicted for the offences under Sections 406/498-A vide judgment dated 3.6.2013 and vide order of the same date, they were sentenced as follows:

Under Section	Sentence Awarded
406 IPC	Rigorous imprisonment for a period of one year and to pay a fine of Rs.500/- each and in default thereof, to further undergo simple imprisonment for a period of 15 days each.
498-A IPC	Rigorous imprisonment for a period of one year and to pay a fine of Rs.500/- each and

	in default thereof, to further undergo simple imprisonment for a period of 15 days each.
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Both the sentenced were ordered to run concurrently.

On an appeal having been filed by them before Court of Sessions, which was assigned to learned Additional Sessions Judge, Ludhiana, vide judgment dated 6.12.2016, the same was dismissed with regard to Gurpreet Singh, whereas it was allowed with respect to Balbir Kaur and Ajit and they were acquitted of the charge framed against them.

Accused Gurpreet Singh has preferred the present revision petition before this Court, notice of which was given to respondents, who put in appearance through counsel.

During the pendency of the revision petition parties have compromised the matter. The parties were directed to appear before the Illaqa Magistrate to get their statements recorded. As per report received from Judicial Magistrate Ist Class, Ludhiana, statements of complainant Ramneet Kaur and accused Gurpreet Singh @ Happy have been recorded, vide which they have admitted the compromise. According to the report, the compromise is genuine and has been effected voluntarily without any pressure, coercion or undue influence. Statements of Ramneet Kaur and accused Gurpreet Singh @ Happy have been enclosed in original along with the report by Judicial Magistrate Ist Class, Ludhiana.

I have heard learned counsel for the parties besides going through the record.

The offence under Section 498-A IPC is non-compoundable, whereas offence under Section 406 IPC is compoundable by the owner of

the property in respect of which the breach of trust has been committed.

Learned counsel for the petitioner has referred to authority *Puttaswamy Versus State of Karnataka and Another, 2009(1) R.C.R.(Criminal) 501* wherein it was observed that non-compoundable offence cannot be compounded, but sentence may be reduced if the parties have compromised the matter. In this case the petitioner/accused is shown to have undergone imprisonment of about four months out of total sentence of one year. It was basically a matrimonial dispute, as such the ends of justice would be squarely met if the petitioner is sentenced to imprisonment already undergone by him, while in custody in the present case, whereas the part of conviction relating to payment of fine is kept as intact. Therefore, the impugned judgments are upheld as regards conviction part qua the petitioner.

However, as far sentence part is concerned, the same is modified and the petitioner is sentenced to imprisonment already undergone by him as mentioned supra. Whereas the sentence regarding payment of fine and in default of making payment of fine remains intact.

As such the revision petition challenging the impugned judgments stand disposed of with above modification in sentence.

Necessary intimation be sent to the quarter concerned.

3.8.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No