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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR No.3561 of 2017 (O&M)

Date of Decision: 25.04.2018

Subhash

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ravi Malik, Advocate, for
Mr. Sanjeev Kumar Panwar, Advocate,
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana,
for respondent No.1.

Mr. B.S. Tewatia, Advocate,
for respondent No.2.

SUDIP AHLUWALIA, J. (ORAL)

This revisional application has been filed by the petitioner who was an accused in Criminal Complaint No.RBT-05 of 2012, under Sections 406/506 of the Indian Penal Code (for short "I.P.C."), to seek setting aside the judgment of the Appellate Court dismissing his appeal against the judgment of conviction and order of sentence, dated 28.10.2015 and 29.10.2015, respectively, passed by the Court below, i.e. Judicial Magistrate Ist Class, Palwal, convicting him for the offences under Sections 406/506 of the I.P.C., and sentencing him to undergo Rigorous

Imprisonment for two years with fine of ₹4000/- (Rupees Four Thousand Only) and in default, of payment of fine to undergo further Rigorous Imprisonment for two months under Section 406 I.P.C. and to undergo Rigorous Imprisonment for six months with fine of ₹1,000/- (Rupees One Thousand Only) and in default, of payment of fine to undergo further Rigorous Imprisonment for twenty days under Section 506 I.P.C.

[2]. The petitioner was convicted and sentenced as mentioned above. His appeal against such judgment of conviction was also dismissed. During the pendency of this revision petition, petitioner filed CRM No.4059 of 2018 for disposal of this petition on the basis of compromise.

[3]. Vide order dated 08.02.2018, the parties were directed to appear before the Ld. Trial Court/Illaq Magistrate for getting their statements recorded and the Ld. Trial Court/Illaq Magistrate was directed to report with respect to genuineness of the compromise arrived at between the parties. The Judicial Magistrate Ist Class, Palwal, vide report dated 07.03.2018, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

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

[4]. In terms of the report of the Judicial Magistrate Ist Class, Palwal, 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 the petitioner need not be penalised any further, since the complainant has himself compromised his

dispute with the petitioner/ accused person.

[5]. In the circumstances and in the light 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 406/506 of the Indian Penal Code, the matter is disposed off with a direction that no further sentence needs to be suffered by him nor any fine needs to be paid, apart from the sentence already undergone by him in Criminal Complaint No.RBT-05 of 2012, under Sections 406/506 of the Indian Penal Code.

25.04.2018

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No