

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Crl. Rev. No. 3962 of 2017 (O&M)
Date of decision : 30.10.2018

Yogesh Bansal

..... Petitioner

versus

State of Haryana

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Shiv Kumar, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

None for the complainant.

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ANITA CHAUDHRY, J. \
Report from the Chief Judicial Magistrate, Faridabad
regarding the compromise has been received.

The trial of the petitioner in case FIR No. 152 dated 01.04.2009, registered under Sections 323, 406, 498-A, 506 IPC, Police Station Old Faridabad, District Faridabad culminated in his conviction vide order dated 13.06.2014, passed by the Judicial Magistrate Ist Class, Faridabad. The petitioner was sentenced to the following punishment:-

Under Section 498-A IPC	Under Section 323 IPC	Under Section 406 IPC
Simple Imprisonment for two years and fine of Rs.1,000/-.	Simple Imprisonment for three months and fine of Rs.500/-.	Simple Imprisonment for six months and fine of Rs.500/-.

All the sentences were ordered to run concurrently and in

default of payment of fine the petitioner was to further undergo simple imprisonment for a period of 15 days.

The appeal preferred by the petitioner was dismissed by the Additional Sessions Judge, Faridabad on 17.08.2017.

Aggrieved with the same the petitioner has 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. The sentence of the petitioner was suspended during the pendency of the petition and the parties were directed to appear before the CJM, Faridabad for getting their statements recorded with regard to the genuineness of the compromise.

Report has been called from the Chief Judicial Magistrate, Faridabad, after statements of the parties were recorded regarding the compromise. The Chief Judicial Magistrate, Faridabad has reported that the compromise is voluntary and without any pressure or coercion. He has also sent original statements of parties along with the report.

Learned counsel for the petitioner has urged that now good sense has prevailed and parties have decided to settle the dispute by entering into a compromise. Counsel says that a petition under Section 13-B of the Hindu Marriage Act had been filed and in terms of the compromise, the petitioner has paid a sum of Rs.10 lacs to the complainant. Certified copy of judgment and decree of divorce has been placed on record in this regard. Counsel says that all the parties have appeared before the CJM, Faridabad and have affirmed the factum of compromise. It is prayed that in view of the compromise, the petitioner may be acquitted.

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, Sonapat 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 (2012) 10 SCC 303***, the instant revision petition is allowed. Consequently, the judgment of conviction and order of sentence passed by the Court below is set aside and the petitioner is acquitted of the charges.

(ANITA CHAUDHRY)
JUDGE

30.10.2018

'Sunil Sehgal'

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No