

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRR No. 4023 of 2017 (O&M)
Date of decision: 19.07.2018

Bhartu and others ...Petitioners

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Ramandeep Kaur, Advocate for
Mr. Vikram Singh, Advocate
for the petitioners.

Mr. Vikrant Pamboo, DAG, Haryana.

Ms. Parveen Mann, Advocate for
Mr. R. S. Budhwar, Advocate
for respondent Nos. 2 to 4.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this revision petition is for setting aside the judgment dated 14.05.2014, passed by the trial Court, vide which the petitioners/accused were held guilty for commission of offences punishable under Sections 323, 325, 506, 427, 148 of the Indian Penal Code and vide order of sentence of the even date, they were sentenced as under:

Under Section 323 IPC	Rigorous imprisonment for a period of 06 months and to pay a fine of ₹50/- each; in default of payment of fine, to undergo simple imprisonment for a period of 15 days .
Under Section 325 IPC	Rigorous imprisonment for a period of 02 years and to pay a fine of ₹50/- each; in default of payment of fine, to undergo simple imprisonment for a period of 02 months .
Under Section 506 IPC	Rigorous imprisonment for a period of 06 months and to pay a fine of ₹50/- each; in default of payment of fine, to undergo simple imprisonment for a period of 15 days .

Under Section 427 IPC	Rigorous imprisonment for a period of 06 months and to pay a fine of ₹50/- each; in default of payment of fine, to undergo simple imprisonment for a period of 15 days .
Under Section 148 IPC	Rigorous imprisonment for a period of 01 year and to pay a fine of ₹50/- each; in default of payment of fine, to undergo simple imprisonment for a period of 01 month .

Prayer in this petition is also for quashing of the judgment dated 16.10.2017, passed by the Additional Sessions Judge, Karnal, vide which, the appeal filed by the petitioners, against the judgment of conviction and order of sentence, passed by the trial Court, was dismissed.

Brief facts of the case are that FIR No. 527 dated 14.11.2007, under Sections 148, 149, 323, 325, 427 and 452 of the IPC, was got registered at the instance of complainant Kala Ram at Police Station Sadar, Karnal with the allegations that all the accused persons, armed with the weapons, entered into his house and caused injuries to his wife and mother and also caused damages to his property.

On 13.12.2017, noticing the fact that there is compromise between the parties, complainant Kala Ram, victim Bunty and Chikiya, through her brother Kala Ram, were impleaded as respondent Nos. 2 to 4 and a direction was issued to the trial Court to record the statement of the parties to its satisfaction that parties have compromised the matter amicably, with their free will and without any pressure from any corner. In the meantime, the sentence of the petitioners was suspended subject to their furnishing bail bonds and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Karnal and while disposing of CRM-36962-2017, the permission was granted to the parties to compound the offences in FIR in question in terms of Section 320(5) Cr.P.C., subject

to deposit of costs of ₹20,000/- with the Haryana State Legal Services Authority. In pursuance to the aforesaid order, the petitioners have deposited the cost of ₹20,000/- on 15.12.2017 and has placed on record a photocopy of the receipt.

The trial Court, after recording the statement of complainant Kala Ram as well as of the petitioners, observed that Bunty and Chikiya have also compromised the matter as per the statement of the complainant. Similar statements have been made by the petitioners that they have entered into a valid and legal compromise. The trial Court has further reported that the parties have compromised the matter with their free will and without any pressure.

Learned State counsel has filed custody certificates of the petitioners and as per the custody certificates, all the petitioners have undergone more than 02 months of actual sentence and they are not involved in any other case.

In ***Sube Singh and another vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102***, a Division Bench of this Court has held that even after the conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C., can compound the offence.

Since the parties have amicably settled their dispute and they belong to the same village and have decided to live in peace and harmony and also in view of the judgment passed in ***Sube Singh's case (supra)***, I am of the opinion that the compromise, entered into between the parties, is in the welfare of the petitioners/accused as well as the complainant.

In view of the above, the present revision petition is partly allowed; offences are compounded and while affirming the conviction of the petitioners, the sentence awarded to them by the trial Court, as upheld by the lower appellate Court, is reduced to the sentence already undergone by the petitioners.

July 19, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No