

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

CRR-1693-2018 (O&M)

Date of Decision:- 15.12.2018

Ashwani

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Akashdeep Singh, Advocate, for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana.

Mr. Jagjit S. Chatrath, Advocate, for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

By way of filing this revision petition, petitioner Ashwani assails judgment dated 23.4.2018 passed by learned Additional Sessions Judge, Karnal whereby while dismissing appeal filed by petitioner, his conviction under Section 379/34 of IPC, as recorded by learned Judicial Magistrate 1st Class, Karnal has been upheld.

Since, at the time of preliminary hearing before this Court on 31.7.2018, it had been submitted that a compromise has been effected, the parties had been directed to appear before the Illaqa Magistrate/trial Court so as to get the statements recorded.

Statement of complainant has been recorded wherein he has admitted the factum of compromise and has proved the compromise deed as Annexure CX. A perusal of Annexure CX shows that with the intervention

of respectables of society the complainant has effected a compromise with the petitioner and he has no objection if the FIR is quashed. The learned Judicial Magistrate 1st Class, Karnal opined that the compromise effected between parties affected without any pressure, coercion or undue influence.

In view of the aforestated position wherein the parties have amicably resolved the matter and also bearing in mind the fact that the petitioner is not a previous convict, offence under Section 379 IPC is permitted to be compounded in view of the compromise amongst the parties. Consequently, the impugned judgment dated 23.4.2018 passed by learned Additional Sessions Judge, Karnal and also judgment dated 2.7.2015 and order dated 3.7.2015 passed by learned Judicial Magistrate 1st Class, Karnal are hereby set aside and the petitioner is acquitted of all the charges framed against him.

The revision petition stands accepted accordingly.

December 15, 2018

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No