

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

(1) CRR No.4903 of 2017 (O&M)

Kailash @ Guga and others

..... Petitioners

Versus

State of Haryana

..... Respondent

(2) CRR No.4911 of 2017 (O&M)

Ravinder @ Ravi

..... Petitioner

Versus

State of Haryana

..... Respondent

Date of Decision: 06.12.2018

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. J.P.Jangu, Advocate for the petitioners.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for the respondent/State.

Mr. Sumer Singh, Advocate for
Mr. Vikram Narwal, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

This order shall dispose off the aforesaid two criminal revisions, filed by the present petitioners against the impugned judgment dated 16.12.2017, passed by learned Additional Sessions Judge, Rewari, vide which, common appeal filed by the present petitioners was dismissed and affirmed the judgment of conviction and order of sentence dated 09.12.2014 and 12.12.2014, respectively, passed by learned Sub Divisional Judicial Magistrate, Kosli, whereby the petitioners have been convicted under Sections 323, 325, 34 of the Indian Penal Code (*for short 'IPC'*) and

sentenced to undergo rigorous imprisonment for a period of one year for the commission of offence punishable under Section 323, IPC. They were further sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of ₹ 1000/- each for the commission of offence punishable under Section 325, IPC. Fine was paid by the petitioners before learned trial Court.

While issuing notice of motion on 23.01.2018, this Court passed the following order:-

“ Learned counsel for the petitioners contends that the petitioners have been convicted and sentenced for the offences under Section 323 and 325 IPC. The dispute arose on account of cutting of branches of Neem tree in a joint plot. Tara Chand had already died who had climbed on the tree in order to pull down the complainant. Now the parties have resolved their differences.

Notice of motion for 28.03.2018.

In the meanwhile, petitioners are directed to be released on interim bail subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate, Rewari and thereafter, the Chief Judicial Magistrate, Rewari shall also record statements of the parties in the context of genuineness of compromise after summoning the complainant in accordance with law. ”

In terms of above order, statements of the parties were recorded by learned Chief Judicial Magistrate, Rewari including the statement of Raghbir (complainant/injured).

Even a report has also been received from learned Chief Judicial Magistrate, Rewari, which, *inter alia*, states that compromise has been effected between the parties and the same is without any undue influence or coercion.

Before this Court also, none of the parties have any objection in case the matter is compounded.

Learned State Counsel has also not opposed the present petitions in view of the fact that both the aforesaid offences are compoundable with the consent of the injured/complainant.

Heard learned Counsel for the parties and perused the paper-book.

Since offences are compoundable under Section 320 of the Code of Criminal Procedure and matter has been amicably settled and in case the same is compounded, it would result into peace and harmony for both the parties as well as in the interest of justice. Consequently, the applications bearing CRM No.42930 of 2018 in CRR No.4903 of 2017 & CRM No.42915 of 2018 in CRR No.4911 of 2017 for compounding of the offences on the basis of compromise arrived at between the parties along with present petitions are allowed. The impugned judgments of conviction and orders of sentence, passed by both the Courts below, are set aside and the petitioners/convicts are acquitted of the charges. Their bail bonds and surety bonds stand discharged.

Photocopy of this order be placed on the connected case(s).

December 06, 2018

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>