

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

**Crl. Rev. No. 2240 of 2018 (O&M)
Date of decision : 19.12.2018**

Harinder Singh

... Petitioner

versus

State of U.T. Chandigarh & Anr.

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sumeet Goel, Advocate with
Ms. Kavya Jariyal, Advocate
for the petitioner.

Mr. Gautam Kaile, Advocate for
Mr. Rajiv Sharma, APP, U.T., Chandigarh.
for respondent No.1-State.

Mr. M.S. Virk, Advocate
for respondent no.2.

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ANITA CHAUDHRY , J.

The trial of the petitioner in case FIR No. 61 dated 11.03.2011, registered under Sections 341, 354, 34 IPC, Police Station Sector 36, Chandigarh culminated into his conviction and he was substantively sentenced to undergo rigorous imprisonment for a period of one month with a fine of Rs. 500/- for commission of offence under Section 341 IPC. He was further sentenced to undergo rigorous imprisonment for a period of 02 years with a fine of Rs.2000/- for commission of offence under Section 354 IPC.

The appeal preferred by the petitioner was dismissed by the Additional Sessions Judge, Chandigarh on 02.06.2018 and the petitioner was taken into custody.

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. Affidavit of complainant and compromise deed reiterating the factum of compromise, was placed on record. Interim bail was granted to the petitioner and parties were directed to appear before the CJM, Chandigarh for getting their statements recorded with regard to genuineness of the compromise.

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

Learned counsel for the petitioner has urged that parties have decided to settle the dispute by entering into a compromise. Affidavit of the complainant has been filed, wherein the factum of the parties having entered into compromise is reiterated. All the parties have appeared before the CJM, Chandigarh and have affirmed the compromise. It is prayed that in view of the compromise, the petitioner may be acquitted.

Learned counsel appearing for the complainant/respondent no.2 states that the complainant has no objection if the petitioner is 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, Chandigarh 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 judgments of conviction and sentence passed by the Courts below are set aside and the petitioner is acquitted of the charges.

December 19, 2018
Sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No