

***CRM-26373-2018 in/and
CRR-235-2018 (O&M)***

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-26373-2018 in/and
CRR-235-2018 (O&M)

Date of decision: 20.09.2018

Iqbal Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Sanjiv Kumar Aggarwal, Advocate for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana.

Mr. Amandeep Singh, Advocate for respondents No. 2 and 3.

RAMENDRA JAIN, J. (ORAL)

Through this application (CRM-26373-2018) under Section 482 Cr.P.C., prayer has been made for placing on record compromise deed dated 23.07.2018 (Annexure P-6) effected in between the parties showing that parties have settled the dispute amongst them under Section 138 of the Negotiable Instruments Act, 1881 and for grant of permission to compound the offences under Sections 279 and 338 IPC, under which the petitioner was convicted and sentenced.

Learned counsel for the petitioner contends that Section 338 IPC is compoundable with the permission of Court. Referring to judgment of Bombay High Court in **Adwait Surendra Aatre Vs. State of Maharashtra, 2011(11) RCR (Criminal) 790**, he further submits that

IPC, in that eventuality, proceedings under Section 279 IPC are liable to be quashed.

Learned counsel for respondents No. 2 and 3 submits that he has no objection in granting permission to the petitioner to compound offence under 338 IPC and acquitting him under Section 279 IPC.

Heard.

After giving thoughtful consideration to the submissions made by learned counsel for both the sides and in view of compromise, Annexure P-6, permission is granted to the petitioner to compound offence under Section 338 IPC.

Considering the law laid down by Bombay High Court in **Adwait Surendra Aatre's case (supra)**, the impugned judgment of the Ist Appellate Court dated 09.01.2018 as well as judgment of conviction and order of sentence dated 14.10.2014 of the trial Court, holding the petitioner guilty under Sections 279 and 338 IPC, are quashed, subject to costs of ₹ 10,000/-, out of which ₹4000/- shall be deposited with the Bar Association, Punjab and Haryana High Court, Chandigarh; ₹1000/- with the Bar Council of Punjab and Haryana and ₹5000/- High Court Legal Services Committee, within a week from today, failing which this revision shall be deemed to have been dismissed automatically .

The main revision as well as CRM-26373-2018, stands disposed of.

September 20, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No