

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

CRR-721-2018 (O&M)

Date of Decision:- 13.11.2018

Gurdarshan Singh @ Nikri and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kamaldeep Singh Sidhu, Advocate, for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab.

Mr. Rajpreet Singh Sidhu, Advocate,
for the complainant.

GURVINDER SINGH GILL, J. (Oral)

By way of filing this revision petition, the petitioners have assailed judgment dated 9.2.2018 passed by learned Sessions Judge, Sri Muktsar Sahib whereby their conviction for offence punishable under Sections 323 and 325 IPC as recorded by learned Judicial Magistrate 1st Class, Gidderbaha has been upheld.

Notice of motion had been issued to respondents.

Complainant Gurseet Singh was also impleaded as a party during the pendency of the present petition. It is stated that the parties have entered into a compromise vide order dated 17.5.2018.

The parties were directed to appear before the trial court/Illaq Magistrate so as to get their statements recorded qua the factum of compromise. Report dated 31.5.2018 of learned Judicial Magistrate 1st Class, Gidderbaha had been received wherein it has been reported that the statements of the petitioners/accused and also of complainant Gurseet Singh had been recorded to the effect that they have compromised the matter. Gurseet Singh, in his statement recorded on 28.5.2018 while admitting the factum of compromise had stated that he had no objection in case the sentence imposed upon the accused is set aside.

This Court upon noticing that the aforesaid statement of complainant was limited to the extent of setting aside the sentence only had ordered that the complainant shall clarify as to whether he has no objection for setting aside the judgment and for quashing of the FIR vide order dated 13.8.2018. Pursuant to the said order, the fresh statement of arrayed respondent Gurseet Singh was recorded on 6.9.2018 before the learned Judicial Magistrate 1st Class, Gidderbaha wherein he has categorically stated that he has no objection in case the FIR in question is quashed.

The learned Judicial Magistrate 1st Class in his report dated 12.9.2018 has opined that the parties have entered into the compromise voluntarily without there being any threat or coercion.

In view of the aforesaid report and in light of the law laid down in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the application i.e. CRM-16814-2018 is accepted and the parties are permitted to compound the offence.

Consequently, the impugned judgments dated 29.7.2015 passed by Judicial Magistrate 1st Class, Gidderbaha, Sri Muktsar Sahib and judgment dated 9.2.2018 passed by learned Sessions Judge, Sri Muktsar Sahib convicting the accused are hereby set aside.

The revision petition stands accepted accordingly.

Needless to mention, in view of the aforesaid compounding of offences and setting aside the impugned judgments, the accused/petitioners shall be deemed to have been ‘acquitted’.

November 13, 2018
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No