

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

**CRA-S-2481-SB of 2004 (O&M)
Date of Decision : January 09,2019**

Surjit Singh Appellant

VERSUS

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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Present: Mr. S.S.Rangi, Advocate
for the appellant.

Mr. Pankaj Gupta, Addl. A.G. Punjab.

Mr. Saurav Bhatia, Advocate
for the complainant.

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MANJARI NEHRU KAUL, J. (Oral)

This appeal has been filed for setting aside order dated 06.12.2004 passed by the Special Judge, Fatehgarh Sahib, whereby the appellant has been convicted and sentenced under Section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

However, during the pendency of this appeal, on joint request of the counsel for the parties the matter was referred to the Mediation & Conciliation Centre of this Court for amicable settlement of the dispute vide order dated 11.12.2018

Pursuant to order dated 11.12.2018, the parties appeared before

the Mediation & Conciliation Centre of this Court and a joint statement of the appellant and the complainant was recorded to the effect that the matter has been amicably resolved between them voluntarily and out of their own free will. A copy of the Settlement Agreement dated 11.12.2018 is attached with this file.

Learned counsel for the State has not raised any serious objection to the setting aside of order dated 06.12.2004 on the basis of a settlement arrived at between the parties.

In *Kulwinder Singh and others versus State of Punjab and another* 2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed as under:-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

In view of the above, this appeal is allowed due to the amicable settlement between the parties and order dated 06.12.2004 passed by the Special Judge, Fatehgarh Sahib, is set aside.

09.01.2019
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(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No