

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

223/2

CRA-S-3441-SB-2014

Date of Decision: March 20, 2019

Kaushalya and others

.....Petitioners

versus

State of Haryana and another

.....Respondents

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CRA-S-4959-SB-2014

Dharampal

.....Petitioner

versus

Kaushalya and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Akashdeep Singh, Advocate
for the appellants (in CRA-S-3441-SB-2014) and
for the respondents (in CRA-S-4959-SB-2014)

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Rahul Vats, Advocate
for the appellants (in CRA-S-4959-SB-2014) and
for the respondent No.2 (in CRA-S-3441-SB-2014).

GURVINDER SINGH GILL, J. (Oral)

This order shall dispose of the aforementioned two appeals one
filed on behalf of accused Ms. Kaushalya and others challenging their
conviction as recorded by Special Judge, Rohtak vide judgment dated
04.08.2014 and the other filed by the complainant Dharam Pal seeking

enhancement of the sentence.

2. During the course of pendency of these appeals, the parties have effected a compromise as had been informed to this Court by way of filing CRM-35326-2017 vide which a compromise deed dated 27.10.2017 was sought to be placed on record. Vide order dated 22.11.2017, the parties were directed to appear before the trial Court/Illaq Magistrate so as to get their statements recorded qua the factum of compromise.

3. Report of learned Additional Sessions Judge, Ludhiana has been received to the effect that statements of the parties were recorded and the parties were individually quizzed about the compromise and that both the parties stated that they have willingly entered into a compromise without any pressure or influence and that the complainant-Dharampal has no objection, if the convicts are acquitted and the proceedings against them are dropped.

4. The aforesaid report is accompanied by the statements of Dharam Pal and all the three accused. Learned counsel for the complainant, who is present in the Court, has also endorsed the factum of compromise and has submitted that the complainant has no objection in case the accused are acquitted.

5. In view of the aforesaid position, this Court is satisfied that the parties have amicably resolved their disputes and have entered into a compromise without there being any undue influence or pressure. Although this Court does find that one of the offence for which the accused stands convicted i.e. under Section 3 (1) (X) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as well as Section 452 IPC have been categorized as non-compoundable offences but given the fact that the

parties have amicably resolved their disputes and happen to be neighbours in the same village, this Court would be inclined to permit the parties to go ahead with the compromise, so as to enable them to bury the hatchet.

In this regard this Court is supported by judgment dated 15.07.2015 passed in Criminal Appeal-S No.2168 of 2003 titled as “Sukhwinder Singh @ Kaku and another Vs. State of Punjab and another” and judgment dated 22.07.2015 passed in CRM-17385 of 2015 and CRA-S-619-SB of 2014(O&M) titled as “Karan Singh and others Vs. State of Haryana and another” wherein even in the case of non-compoundable offences, including offence under Section 3 the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the conviction in respect of the same, has been set aside keeping in view the larger interest of the parties.

In view of the discussion made above, the compromise is accepted and the impugned judgement dated 04.08.2014, is hereby set aside and the accused are ordered to be acquitted.

The appeal filed by complainant seeking enhancement of sentence stands dismissed as having been rendered infructuous in view of the compromise.

March 20, 2019
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[GURVINDER SINGH GILL]
JUDGE

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