

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1937-2018 (O&M)

Date of decision: 09.12.2019

Lal Bihari Tripathi

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Namit Gautam, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of complaint No.174 of 17.11.2016, bearing registration No.COMI/1336/2013 under Sections 415, 419, 420, 405, 406, 409, 120-B of the Indian Penal Code (for short 'IPC') and the judgment dated 19.11.2014 passed by the trial Court, vide which the petitioner was held guilty for the offence punishable under Section 409 IPC as well as the order of sentence of even date, vide which he was ordered to undergo sentence for a period of two years R.I. with a fine of Rs.200/- and in default of payment of fine, to further undergo R.I. for a period of two days.

Learned counsel for the petitioner submits that it is a dispute between the private persons and no public money is involved. It is further submitted that during pendency of the appeal before the lower appellate Court, a compromise has been effected between the parties and in compliance of the order dated 05.07.2018 passed by this Court, they have appeared before the

lower appellate Court and recorded their statements in support of the compromise.

The lower appellate Court has submitted a report that the compromise is effected between the parties without any influence and the same is in larger interest of both the complainant and the accused persons.

Learned counsel for the petitioner has relied a judgment in **Sube Singh and another Vs. State of Haryana and another, 2013 (4) RCR (Crl.) 102**, wherein a Division Bench of this Court has held that even after conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C, can compound the offence.

Learned State counsel has also acknowledged the compromise arrived at between the parties.

In view of the judgment in **Sube Singh's** case (supra) and considering the fact that the parties have decided to bury their inter-se dispute and further decided to live in peace and also in view of the report submitted by the lower appellate Court, present petition is partly allowed. Sentence of two years R.I. awarded to the petitioner, vide judgment of conviction and order of sentence dated 19.11.2014, is modified to the extent that the same is reduced to the period already undergone by the petitioner.

[**ARVIND SINGH SANGWAN**]
JUDGE

09.12.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No