

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

CRR-579-2019 (O&M)

Date of Decision:-18.7.2019

Mustafa @ Deepak and another ... Petitioner

Versus

State of Punjab and another ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajbir Singh, Advocate for the petitioners.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Kulwinder Singh, Advocate for respondent No.2.

GURVINDER SINGH GILL, J.(Oral)

The petitioner Mustafa @ Deepak and Jotu @ Manjot have filed this revision petition challenging their conviction as recorded by the Judicial Magistrate Ist Class, Sangrur vide judgement dated 19.3.2018 for offences under Sections 323, 324 and 34 IPC, wherein they have been sentenced as follows:-

- (i) RI for 6 months under Section 323 IPC
- (ii) RI for 1 year and fine of ₹ 500/- under Sections 324/34 IPC and in default thereof to further undergo RI for five days.

The appeal filed by the petitioners challenging the aforesaid judgment was also dismissed by the Court of learned Additional Sessions Judge, Sangrur vide judgment dated 16.2.2019 which has been challenged by way of filing the present petition. It had been represented on behalf of the petitioners that the parties had effected a compromise and that better sense prevails amongst the parties.

Vide order dated 12.3.2019, the parties had been directed to appear before the trial Court/Illaqa Magistrate so as to get the statements recorded as regards the genuineness of the compromise.

Report of learned Chief Judicial Magistrate, Sangrur has been received who has stated that he has recorded statements of complainant Vijay Kumar and of the accused namely Mustafa @ Deepak and Jotu @ Manjot, who have all stated that the matter stands compromised amongst the parties. It has specifically been opined that the parties have entered into compromise out of their free will and without any pressure or coercion.

Since the parties, out of their free will, have amicably resolved their issues and have decided to bury the hatchet, they deserve to be given a chance to live in a cordial atmosphere rather than nursing enmity for rest of their lives. The petition, as such, is accepted and while accepting the revision petition, the conviction of the petitioners as recorded by the JMJC, Sangrur vide judgment dated 19.3.2018 and upheld by learned Additional Sessions Judge, Sangrur vide judgment dated 16.2.2019 is hereby set aside.

Consequently, the petitioners stand acquitted.

18.7.2019

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(Gurvinder Singh Gill)

Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No