

Date of decision : April 02, 2019

....Petitioners

.....Respondents

CORAM : HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer made in the petition is for quashing of the case FIR No.207 dated 10.8.2004 under Sections 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Division No.4, Jalandhar as well as the judgment dated 28.10.2015 passed by the trial Court vide which the petitioners were held guilty for the offences punishable under Sections 465, 467, 468 and 120-B IPC and vide separate order of the even date, they were sentenced to undergo imprisonment for a period of three years and to pay a fine of Rs.2,000/- each and in default of payment of fine, to further undergo rigorous imprisonment for three months.

During the pendency of the appeal before the lower appellate Court, the parties have entered into a compromise and the present petition has been filed on the basis of the compromise.

In view of the compromise, vide order dated 24.1.2018, the parties were directed to appear before the Mediation and Conciliation Center of this Court for recording their statements.

The respondent No.2 appeared through his special power of attorney and son Dr. Sukant Verma, who placed on record the special power of attorney dated 31.5.2013, which was marked as Ex.B by the Mediator. In the statement he has acknowledged that there is a valid compromise dated 1.7.2016 between the parties, which was marked as Ex.A by the Mediator and his father, i.e. Dr. Sushil Kumar Verma is a signatory of the said compromise. It is further stated that respondent No.2 has no objection if the FIR No.207 dated 10.8.2004 and the subsequent proceedings arising therefrom are set aside by this Court.

Similar statement was made by all the three petitioners that they have entered into a valid compromise dated 1.7.2016 between the parties and no dispute is pending between them.

Counsel for the petitioner has submitted, in fact, it is a private dispute between the petitioners and respondent No.2 regarding an agreement to sell and the same has been settled between the parties.

Counsel for the petitioners further submitted that the basis of the compromise is that respondent No.2 has executed a sale deed and the disputed agreement to sell was never acted upon between the parties and, therefore, even on the civil side no dispute is pending between the parties.

Counsel for the petitioners has relied upon a Division Bench Judgment of this Court passed in **Sube Singh and another Vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102**, wherein it has been held that even after the 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. Therefore, this appeal is partly allowed and while upholding the judgment of conviction, the order of sentence dated 28.10.2015 awarding 03 years rigorous imprisonment to the petitioners is reduced to the sentence already undergone by them. The parties will remain bound by their statement before the Mediator.

In view of the same, this petition is partly allowed, the judgment of conviction dated 28.10.2015 is upheld and the sentence awarded to the petitioners vide order dated 28.10.2015 is reduced to the sentence already undergone by them.

Disposed off.

(ARVIND SINGH SANGWAN)
JUDGE

April 02, 2019
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Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO