

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

I.

CRM-M-14973-2019

Date of decision: September 17, 2019

Kiranjit Kaur and others

....Petitioners

Versus

State of Punjab and another

.....Respondents

II.

CRR-4481-2016 (O&M)

Date of decision: September 17, 2019

Karnail Singh

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gagandeep Rana, Advocate for the petitioners
(in CRM-M-14973-2019)

Mr. Gurjeet Kaur, Advocate for the petitioner
(in CRR-4481-2016)

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

By this common judgment, the Court intends to dispose of two petitions, i.e. CRM-M-14973-2019 filed by Kiranjit Kaur and others and CRR-4481-2016 filed by Karnail Singh, as the same have been arisen out of the same FIR.

Prayer in petition, i.e. CRM-M-14973-2018 filed by Kiranjit Kaur and others is for quashing of the FIR No.99 dated 5.5.2008 under

Sections 420/120-B IPC, registered at Police Station Sadar, District Ludhiana and the order dated 11.2.2010 passed by the trial Court vide which petitioners No.1 to 3 were declared proclaimed offenders and also to set aside the judgment and order of sentence dated 23.12.2013 passed by the trial Court vide which the petitioners No.4 and 5 were held guilty for the offence punishable under Sections 120-B and 420 IPC and were convicted thereunder and were sentenced to undergo rigorous imprisonment for a period of 02 years and to pay a fine of Rs.5,000/- each and in default of payment of fine, to further undergo rigorous imprisonment for a period of 02 months each. Appeal filed by petitioners No.4 and 5, was also dismissed by the lower appellate Court vide judgment dated 1.9.2016.

Prayer made in revision petition, i.e. CRR-4481-2016 filed by Karnail Singh (petitioner No.5 in CRM-M-14973-2019) is to set aside the judgment of conviction dated 23.12.2013 passed by the trial Court vide which he was held guilty for the offence under Sections 120-B and 420 IPC and was convicted and was sentenced to undergo rigorous imprisonment for a period of 02 years and to pay a fine of Rs.5,000/- and in default of payment of fine, to further undergo imprisonment for a period of 02 months. Appeal filed by the petitioner was also dismissed by the lower appellate Court vide judgment dated 1.9.2016.

At the very outset, counsel for the petitioners has stated that petitioner No.4-Gurdial Singh (in CRM-M-14973-2019) has undergone the entire sentence, whereas the sentence of petitioner-Karnail Singh (in CRR-4481-2016) was suspended vide order dated 8.8.2017 noticing that he has undergone a period of 01 year and 05 months, out of actual sentence.

While issuing notice of motion on 1.4.2019 in CRM-M-14973-2019, petitioners No.1 to 3 were directed to appear before the trial Court and the trial Court was directed to release the petitioners on interim bail on furnishing their bail/surety bonds, subject to deposit of

costs of Rs.50,000/- to be deposited in the Government Treasury. Respondent No.2 was permitted to appear through his attorney-Surinder Singh for getting recorded his statement in support of the compromise.

The trial Court vide its report dated 28.5.2019 has stated that the parties have appeared along with their respective counsel and have deposited the cost of Rs.50,000/- and receipt of the same was attached with the report. However, it was noticed in the report that petitioners, thereafter, had filed affidavit of Gurpreet Singh Gill, power of attorney of petitioners No.2 and 3, wherein he has stated that compromise has been effected between all the petitioners and the attorneys of the complainant.

A perusal of the report shows that complainant-respondent No.2-Jagdeep Singh, through his attorney-Surender Singh Bhatti (Ex/P1) has appeared before the trial Court and got recorded his statement that the compromise has been effected voluntarily by the complainant without any threat, pressure and coercion.

The trial Court has also submitted the proof of identification as well as the general power of attorney of both the parties.

Learned State counsel has not disputed the factum of compromise and the recording of the statements of the parties.

I have heard learned counsel for the parties.

In ***Sube Singh and another vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102***, the 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 power under Section 482 Cr.P.C. can compound the offence.

In view of the judgment in **Sube Singh's case (*supra*)** and considering the fact that the compromise has been effected voluntarily and

for the better relationship between the parties, both the petitions can be allowed and the impugned FIR No. 99 dated 5.5.2008 under Sections 420 and 120-B IPC, registered at Police Station, Sadar, District Ludhiana qua the petitioners No.1 to 3 can be quashed. Petitioners No. 4 and 5 have also been convicted and sentenced for the offence under Sections 120-B and 420 Cr.P.C. which order was upheld by the lower appellate Court vide judgment dated 1.9.2016.

Resultantly, both the petitions are partly allowed and the impugned FIR No. 99 dated 5.5.2008 under Sections 420 and 120-B IPC, registered at Police Station, Sadar, District Ludhiana qua the petitioners No.1 to 3 is quashed. While upholding the judgment of conviction dated 23.12.2013 passed by the trial Court, the sentence awarded to petitioners No. 4 and 5 (in CRM-M-14973-2019) is reduced to the period already undergone by them.

Disposed off.

September 17, 2019
satish

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No