

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

I.

CRM-M-37963-2016

Date of decision: September 18, 2019

Kulbir Singh and others

....Petitioners

Versus

State of Punjab and another

.....Respondents

II.

CRM-M-39695-2016

Jashandeep Singh and another

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Naveen Sharma, Advocate for the petitioners
(in CRM-M-37963-2016)

Mr. K.S. Boparai, Advocate for the petitioners
(in CRM-M-39695-2016) and
for respondent No.2 (in CRM-M-37963-2016).

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

By this common order, this Court shall dispose of the above mentioned two petitions, i.e. CRM-M-37963-2016 and CRM-M-39695-2016.

Prayer made in CRM-M-37963-2016 is for quashing of DDR

No.13 dated 11/23.6.2009 under Sections 326, 324, 34 IPC in FIR No.107

dated 19.6.2019 under Sections 323, 325, 427, 506, 148 and 149 IPC, registered at Police Station Payal, Police District Khanna, District Ludhiana.

Prayer made in CRM-M-39695-2016 is for quashing of FIR No.107 dated 19.6.2009 under Sections 323/325/427/506/148/149 IPC registered at Police Station Payal, District Ludhiana.

On 9.12.2016, the parties were directed to appear before the learned lower appellate Court, where the appeals filed by the petitioners in both the petitions, being cross-cases, were pending, for getting their statements recorded, regarding the genuineness of the compromise.

Brief facts of the case in CRM-M-37963-2016 filed by petitioners-Kulbir Singh, Gurmeet Singh and Jagjeet Singh are that in DDR No.13 dated 11/23.6.2019, under Sections 326, 324, 34 IPC in FIR No.107 dated 19.6.2009 under Sections 323/325/427/506/148/149 IPC registered at Police Station Payal, Police District Khanna, District Ludhiana, vide judgment and order dated 23.2.2016 passed by the learned Sub Divisional Judicial Magistrate, Payal, the petitioners were convicted under Sections 323 IPC and sentenced to undergo RI for one year and to pay a fine of Rs.1000/- and, in default of payment of fine to further undergo RI for 15 days each. Petitioner Kulbir Singh was further convicted under Section 324 IPC and sentenced to undergo RI for two years and to pay a fine of Rs.1000/- and, in default of payment of fine, to further undergo RI for 15 days. Petitioners-Gurmeet Singh and Jagjeet Singh, were convicted under Sections 324 read with Section 34 IPC and sentenced to undergo RI for two years each and pay

a fine of Rs.1000/- and, in default of payment of fine, to further undergo RI for 15 days.

The facts of CRM-M-39695-2016 filed by petitioner-Jashandeep Singh and Manpreet Singh are that vide judgment and order dated 23.2.2016 passed by the learned Sub Divisional Judicial Magistrate, Payal, the petitioners were convicted under Section 323 IPC and sentenced to undergo RI for one year each and to pay a fine of Rs.1000/- and, in default of payment of fine to further undergo RI for 15 days. They were further convicted under Section 506 IPC and sentenced to undergo RI for two years each and to pay a fine of Rs.1000/- and, in default of payment of fine, to further undergo RI for 15 days.

The learned lower appellate Court has recorded the statements of both the parties and has found that the compromise is genuine and is in the interest of both the parties. Counsel for the petitioners has further submitted that since the compromise has been effected in the larger interest of both the parties, therefore, in order to maintain peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C. is empowered to compound the offences.

In ***“Sube Singh and another vs State of Haryana and another”***, 2013 (4) RCR (Criminal) 102, 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.

Considering the fact that since the petitioners/accused in both the petitions have not involved in any other case; they appeared before the learned appellate Court for recording their statements and the compromise entered between the parties is found to be genuine and further keeping in view the law laid down by the Hon'ble Division Bench of this Court in ***Sube Singh's case (supra)***, the present petition is partly allowed. While upholding the judgment of conviction of the petitioners in both the petitions as recorded by the trial Court, the sentence imposed upon them is reduced to the period already undergone by them.

However, the imposition of fine of Rs.1,000/- on each of the accused-petitioners is upheld. The petitioners are directed to deposit the fine, if not deposited so far, within a period of 1 month from today, failing which their petitions, will be deemed to have been dismissed, without any further order.

September 18, 2019
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(ARVIND SINGH SANGWAN)
JUDGE

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