

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

CRR-309-2009 (O&M)

Date of decision : 20.12.2019

Jaswant Singh @ Jassa Singh

...Petitioner

Versus

Balbir Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. C.M. Munjal, Advocate for the petitioner.

Mr. Anmol Maudgill, Advocate for the respondent.

Mr. Surinder Pal Singh Tinna, Additional A.G. Punjab.

ANIL KSHETARPAL, J. (ORAL)

By filing this revision, correctness of judgment of conviction and order of sentence, passed by the learned Sub Divisional Judicial Magistrate, Jallalabad, affirmed in the appeal, has been assailed.

On 19.11.2019, learned counsel for the petitioner had submitted that a compromise has taken place between the parties and he prayed for time to place on record the compromise deed. Today, by way of criminal miscellaneous application bearing CRM-39557-2019, compromise deed dated 06.12.2019 has been filed which is taken on record.

Today, both the parties are present in the Court, duly identified by their respective counsels. They have filed their respective affidavits in the Court today and admit the correctness of the compromise as also

settlement arrived at between the parties. Complainant as well as injured-victim are also present in the Court today and filed their affidavit admitting settlement arrived at between the parties.

Learned counsel for the petitioner and respondent No.1 prayed that in view of the aforesaid facts, the orders under challenge and all subsequent proceedings emanating therefrom be quashed.

Learned counsel for the State also does not have any objection.

After hearing the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at an out of Court settlement by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, approved by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303**,

In the end, learned counsel for the petitioner submitted that the first informant and the petitioner are resident of the same village. On dismissal of the appeal, the petitioner was taken into custody and his sentence was suspended vide order dated 06.03.2009. He further submitted that a lenient view be taken because the occurrence took place on 16.03.1998.

This court on consideration of the matter finds that there is some substance in the argument of learned counsel for the petitioner. The petitioner do not have any criminal background. He is first time offender. No overt act after the occurrence in question is attributed to the petitioner. Keeping in view the fact that the petitioner was released on suspension of sentence on 06.03.2009, therefore the sentence awarded to the petitioner is reduced to the period already undergone. This order has been passed in the peculiar facts and circumstances of the present case and shall not be treated as precedent.

Resultantly, with the above-said observations made, the instant petition stands allowed to that extent.

20.12.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No