

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

I.

CRR-3379-2012 (O&M)

Date of decision: August 21, 2019

Ram Kishan and others

....Petitioners

Versus

State of Haryana and others

Respondents

II

CRR-3385-2012 (O&M)

Anil and others

....Petitioners

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.K. Mallan, Advocate for the petitioners
(in CRR-3379-2012)

Mr. Rakesh Nehra, Advocate for the petitioners
(in CRR-3585-2012)

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

By way of this common order, this Court shall dispose of the
above mentioned revision petitions.

Prayer made in CRR-3379-2012 is for setting aside the
judgment dated 17.1.2012 and order of sentence dated 19.1.2012 passed by
the Chief Judicial Magistrate, Gurgaon in Criminal Case No.467 of 2003

dated 15.7.2003 vide which petitioners, namely, Ram Kishan, Raj, Tirlok, Sheela, Santosh, Ram Avtar, Ravidutt, Krishna and Sanjay @ Rajesh were convicted for the offences under Sections 323, 506 IPC read with Section 149 IPC and vide order of sentence dated 19.1.2012, they were sentenced to undergo simple imprisonment for a period of six months and to pay a fine of Rs.1,000/- each and in default of payment of fine, to further undergo simple imprisonment for 15 days and all the sentences were ordered to run concurrently and also for setting aside the judgment dated 27.9.2012 passed by the Additional Sessions Judge/Revisional Court, Gurgaon vide which revision petition filed by the petitioners was dismissed.

Prayer made in CRR-3385-2012 is for setting aside the judgment of conviction dated 17.1.2012 and order of sentence dated 19.1.2012 passed by the Chief Judicial Magistrate, Gurgaon in Criminal Complaint No. 471 of 2006 dated 24.5.2006 vide which petitioners, namely, Anil, Gullu @ Amit and Smt. Ramrati were held guilty for the commission of offence under Sections 452, 323, 506 IPC read with Section 34 IPC and the order of sentence dated 19.1.2012, whereby they were sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.1,500/- each and in default of payment of fine, to further undergo simple imprisonment for a period of 15 days and all the sentences were ordered to run concurrently and also for setting aside the judgment dated 27.9.2012 passed by the Additional Sessions Judge/Revisional Court, Gurgaon vide which revision petition filed by the petitioners was dismissed.

During the pendency of both the petitions, which are version and cross-version, the sentence of the petitioners was suspended and the case was

referred to the Mediation and Conciliation Centre for exploring the possibility of some amicable settlement as the parties are residents of the same village.

The Mediator has submitted a compromise/settlement 8.7.2019 based upon the statement made by the accused/complainant in both the cases. As per the settlement, the parties have entered into a compromise on 6.2.2017. It is further stated in the statement that apart from these two litigations, there is no other civil or criminal litigation pending between the parties and they undertook not to file any civil or criminal litigation in future in respect to the present dispute. It is further stated that the parties have understood the contents of the compromise and signed the same without any pressure or coercion and free will.

Counsel appearing in CRR-3379-2012 and CRR-3385-2012 have argued that the parties are facing the protracted trial since 2006 when the two complaints, by way of version and cross-version, were filed and since both the parties are residents of the same locality, in order to bring all peace and harmony among themselves and to prove their relationship, they have entered into a compromise.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the fact that the matter has been amicably settled and compromised between 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***, a Division Bench of this Court has held that

even after the conviction, if the parties have settled the dispute amicably and decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C., can compound the offence.

Resultantly, both the petitions are partly allowed. While upholding the judgment of conviction dated 17.1.2012 the order of sentence dated 19.1.2012, passed by the Chief Judicial Magistrate, Gurgaon, is modified to the extent that the sentence of the petitioners (in both the petitions) is reduced to the period already undergone by them. However, the petitioners shall deposit the fine amount, if not deposited, with the trial Court within a period of two months from today, failing which both the petitions shall stand dismissed.

August 21, 2019
satish

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No