

CRM-8170-2019 in/and
CRR-4507-2016 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-8170-2019 in/and
CRR-4507-2016 (O&M)

Date of decision: 08.03.2019

Naresh and another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Alok Mittal, Advocate for the applicant-petitioners.

Mr. RK Makkar, Sr. DAG, Haryana.

Mr. Dheeraj Chawla, Advocate for

Mr. Rao Ajender Singh, Advocate for respondent No. 2.

RAMENDRA JAIN, J. (ORAL)

CRM-8170-2019

Through this application under Section 482 read with Section 320 Cr.P.C., prayer has been made for compounding the offence, on which the petitioners have been convicted, on basis of compromise.

Vide judgment of conviction and order of sentence dated 13.11.2013 (Annexure P-2), of the trial Court, the petitioners were held guilty under Sections 324, 325 and 452 IPC and sentenced to undergo rigorous imprisonment for a period of two years each under Sections 452/325 IPC and further sentenced to undergo rigorous imprisonment for a period of one year under Section 324 IPC. Further both the petitioners are directed to pay a fine of Rs.2000/- each and in default thereof, they

shall further undergo simple imprisonment for a period of one month each. The aforesaid judgment of the trial Court was upheld by the Ist Appellate Court, vide impugned judgment dated 23.11.2016.

Heard.

Section 325 IPC is compoundable whereas Sections 452 and 324 IPC are not compoundable even with the leave of Court. However, the Apex Court vide its latest judgment in **Criminal Appeal No. 349 and 350 of 2019, The State of Mahdya Pradesh Vs. Laxmi Narayan and others**, decided on 05.03.2019, has held that the powers conferred under Section 482 Cr.P.C., to quash criminal proceedings for non-compoundable offences under Section 320 Cr.P.C., can be exercised.

Since, the parties have compromised the matter, therefore, considering the compromise amongst the parties who are co-villagers, the petitioners are permitted to compound the offence even under Sections 452 and 324 IPC.

Hence, the instant application is allowed.

CRR-4507-2016 (O&M)

Through this revision, challenge has been laid to the order dated 23.11.2016 of the Ist Appellate Court, whereby the judgment of conviction and order of sentence dated 13.11.2013 of the trial Court, was upheld and the appeal filed by the petitioners against their conviction was dismissed.

The Hon'ble Supreme Court in **Khursheed and another Vs. State of U.P. and another**, 2007(4) RCR (Criminal) 495 and various other judgments of co-ordinate Benches of this Court in (i) **Lal Chand**

Vs. The State of Haryana, 2009(5) RCR (Criminal) 838; (ii) Pawan Kumar Vs. State of Haryana and another, 2016(2) RCR (Criminal) 176; (iii) Chet Singh Vs. State of Punjab, 2011(6) RCR (Criminal) 1254; (iv) Sukhwinder Singh and others Vs. State of Punjab and another, 2008(3) RCR (Criminal) 991 and (v) Jagmeet Singh Vs. State of Punjab and another connected appeal, 2016(3) RCR (Criminal) 633, have acquitted the accused, on the basis of compromise effected in between him and the complainant.

Since, learned counsel for respondent No. 2-complainant has not disputed the alleged compromise (Annexure A-1) effected in between the parties, rather, has admitted the same to be correct, therefore, impugned complaint of respondent No. 2 bearing No. 130RT of 2009/12 dated 26.10.2009/17.04.2012 is dismissed as withdrawn. Resultantly, the impugned judgments of both the Courts below dated 23.11.2016 and 13.11.2013 (Annexure P-2), holding the petitioners guilty under Sections 324, 325 and 452 IPC would go. Therefore, the same are set aside and the petitioners are acquitted of the charges levelled against them.

The instant revision stands disposed of, accordingly.

March 08, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No