

Sukhwinder Kaur

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Ms. Aarti Gupta, Advocate
for the petitioner

Mr. Kirat Singh Sidhu, DAG Punjab

Mr. Rajeev Chopra, Advocate
for the complainant

Sudhir Mittal, J. (Oral)

An FIR No. 84 dated 08.06.2013 was got registered at Police Station City Dhuri under Sections 325, 323, 506, 149 IPC on the complaint of Jatinder Kaur wife of Ravinder Singh (respondent No. 2). The petitioner was convicted by the Sub-Divisional Judicial Magistrate, Dhuri vide judgment dated 03.09.2016 under Section 325 IPC and was sentenced vide order of even date to undergo rigorous imprisonment for a period of one year and to pay fine of Rs. 1500/- and in default of payment of fine to further undergo rigorous imprisonment for a period of one month. Her appeal was rejected vide impugned judgment dated 08.02.2017 passed by the learned Additional Sessions Judge, Sangrur. Hence, the present revision petition.

Notice of motion was issued vide order dated 02.06.2013 as counsel for the petitioner had submitted that the compromise dated 21.05.2017 had been arrived at between the parties and that the parties belong to the same family.

A report about the genuineness of the compromise between the parties was called for vide order dated 12.10.2017 and according to report dated

24.01.2018, the compromise between the parties is genuine and has been reached without any threat or coercion.

Learned counsel for respondent No. 2 does not dispute the factum of compromise.

The offence under Section 325 IPC is compoundable with the permission of the Court. The criminal proceedings have taken place between family members and now they have amicably settled their dispute against each other. Thus, for promoting peace and harmony in the family as well as in the Society it would be appropriate and just to grant consent to the parties. The permission is, accordingly granted to the petitioner to compound the offence.

Consequently, revision petition is allowed; impugned judgment of conviction and order of sentence dated 03.09.2016, passed by the Sub Divisional Judicial Magistrate, Dhuri and impugned judgment dated 08.02.2017, whereby appeal of the petitioner was dismissed are set aside and the petitioner is acquitted.

Copy of this order be sent to the Court/Successor Court of the convicting Magistrate for information and compliance.

February 11, 2019

reena

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No