

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

**CRR No. 2646 of 2017
Date of decision: 05.02.2019**

Darshan Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sandeep Gahlawat, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. P. S. Sekhon, Advocate
for respondent No. 2.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this revision petition is for setting aside the judgment of conviction dated 04.05.2016 and order of sentence of the even date, vide which, the petitioners were held guilty for commission of offences punishable under Sections 325, 323, 148, 149 of the IPC and were sentenced to undergo RI for one year and to pay fine of Rs. 200/- each under Section 148 IPC ; to undergo RI for six months and to pay fine of Rs. 200/- each under Sections 323/149 IPC and to undergo RI for one year and to pay fine of Rs. 200/- each under Sections 325/149 IPC, however, petitioner Darshan Singh was sentenced to undergo RI for two years under Sections 325/149 IPC; as well as for setting aside the judgment dated 18.07.2017, whereby the appeal filed by the petitioners was dismissed. Hence, the present revision petition.

During the pendency of the present petition, the sentence of the

petitioners were suspended on 16.08.2017 and 22.09.2017.

Thereafter, on 18.05.2018, an application was filed by the petitioners for compounding the offence on the basis of the compromise dated 07.04.2018 and vide order dated 18.07.2018, the parties were directed to appear before the Illaqua Magistrate and report of the Illaqua Magistrate was requisitioned in this regard.

Pursuant thereto, the trial Court/Illaqua Magistrate has submitted a report to the effect that complainant/injured Ninder Singh and Sinder Kaur have got the present FIR registered against the petitioners in which they were convicted and now both of them have entered into compromise with the petitioners and have no objection if the present revision petition is allowed and petitioners are acquitted of the charges. Similar statements were made by the petitioners.

Learned State counsel, on instruction from the Investigating Officer, assisted by learned counsel for respondent No. 2/complainant, has not disputed the fact that the matter has been compromised between the parties.

I have heard learned counsel for the parties.

It is worth noticing here that the FIR pertains to the year 2011 and subsequent to the registration of the present FIR, no further incident has taken place between the parties and they are maintaining peace amongst them and finally they have compromised the matter, on the basis of the which, the trial Court has already submitted a report that the compromise has been arrived at between the parties voluntarily and without any pressure or coercion between them.

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 have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C., can compound the offence.

In view of above, considering the fact that the petitioner has been convicted only under Sections 325, 323, 148, 149 of the IPC, this petition is allowed. Offences under Section 325, 323, 148, 149 of the IPC are compounded and the sentence awarded to the petitioners is reduced to the sentence already undergone by them.

However, this order shall be subject to payment of cost of ₹10,000/- to be deposited with the District Legal Services Authority concerned within a period of 08 weeks from today, failing which, this petition shall be deemed to have been dismissed without any further order.

February 05, 2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No