

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

CRR No. 2191 of 2018 (O&M)

Date of decision: 01.04.2019

Shri Pardeep

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. K. Saini, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Mr. Rajesh Bansal, Advocate
for respondent No. 2.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-22916-2018

This application has been moved for condoning the delay of 63 days in filing the present revision petition.

For the reasons stated in the application, the same is allowed and the delay of 63 days in filing the revision petition is hereby condoned.

CRR-2191-2018

Prayer in this revision petition is for setting aside the judgment of conviction dated 05.05.2017 and order of sentence of the even date, vide which, the petitioner was held guilty for commission of offence punishable under Sections 279 and 304-A of the IPC and was sentenced to undergo RI for six months and to pay a fine of Rs. 500/- under Section 279 IPC and to

undergo RI for one year and to pay a fine of Rs. 1000/- under Section 304-A IPC; as well as for setting aside the judgment dated 03.02.2018, whereby the appeal filed by the petitioner was dismissed. Hence, the present revision petition.

During the pendency of the present petition, the sentence of the petitioner was suspended by this Court on 03.08.2018. Thereafter, learned counsel for the petitioner has submitted that subsequent to filing of the present petition, the matter was amicably settled between the parties. Keeping in view the said fact, the matter was referred to Mediation and Conciliation Centre of this Court for recording of the statement of the parties.

In pursuance to the aforesaid directions, the parties appeared before the Mediation and Conciliation Centre of this Court and a settlement/agreement dated 12.11.2018 was arrived at between the parties, wherein, respondent No. 2/complainant Achru Singh has stated that he has no objection if the FIR registered against the petitioner is cancelled.

Respondent No. 2/complainant Achru Singh, who is the father of deceased Manpreet Singh, has made a categorical statement that he has entered into a compromise with the petitioner. Before the Mediator, respondent No. 2/complainant was duly identified by his counsel.

Learned counsel for the petitioner has submitted that out of one year's of rigorous imprisonment, awarded by the trial Court, the petitioner has already undergone total sentence of 08 months 18 days including remissions of 01 month and 01 day.

Learned State counsel, on the basis of the custody certificate

dated 13.02.2019, 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 2015 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 and their statement has also been recorded before the Mediation and Conciliation Centre of this Court, in this regard, wherein complainant/respondent No. 2 has stated that he has no objection if the FIR registered against the petitioner is cancelled.

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 the above, while upholding the judgment of conviction dated 05.05.2017, passed by the trial Court, the order of sentence of the even date of rigorous imprisonment for one year is modified to the extent that the same is reduced to the period already undergone by the petitioner i.e. total sentence of 08 months and 18 days.

With the above modification in the order of sentence, this petition is disposed of.

CRM-39075-2018

Since the main petition stands disposed of, it is directed that

Registration Certificate (RC) of vehicle No. HR-68-8150 be released to petitioner, however, Registry/Incharge, Record Room shall retain a photocopy of the same on record.

Application stands disposed of.

01.04.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No