

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

Sr. No.202

**CRR-2843-2018 (O&M)
DECIDED ON: April 02, 2019**

SHALINDER

..PETITIONER

VERSUS

JAGPAL SINGH AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Yashwant Singh Rathore, for the applicant-petitioner.

Mr. Gautam Dutt, Advocate, for respondent No.1.

Mr. Karan Sharma, AAG, Haryana.

SUDHIR MITTAL, J. (ORAL)

CRM-45359-2018

This application has been filed for recalling the order dated 25.10.2018 as well as for permission to compound offences under Sections 323, 325 & 506 (Part-II) IPC.

The applicant was convicted by the trial Court under Section 323 IPC and sentenced to pay a fine of Rs.500/-. The complainant preferred an appeal which was allowed vide judgment dated 05.07.2018 and the petitioner was convicted under Section 325 IPC and Section 506 (Part-II) IPC in addition to the earlier conviction and vide order of sentence dated 07.07.2018, sentenced as follows:-

Offence	SI	Fine (₹)	In default
323 IPC	06 months	500/-	--
325 IPC	03 years	10,000/-	06 months (RI)
506 (Part-II) IPC	01 year	1000/-	--

Sentences have been ordered to run concurrently. The revision was dismissed vide order dated 25.10.2018.

Thereafter, the present miscellaneous application has been filed on the basis of compromise dated 21.11.2018 (A-2).

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Report dated 25.03.2019 has been received from the Court of Judicial Magistrate 1st Class, Karnal, according to which, the compromise is genuine and has been effected without any threat, pressure or coercion.

The parties belong to the same village and have adjoining fields. The dispute took place because the complainant allegedly demolished the 'dol' between the adjoining fields of the parties. Offences under Sections 323, 325 & 506 IPC are compoundable and since the parties have reached an amicable settlement and the complainant has no objection in case the petitioner is acquitted, I deem it appropriate to permit the petitioner to compound the aforementioned offences.

The application is accordingly allowed, order dated 25.10.2018 passed by this Court, is recalled and the revision petition is taken on board.

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Since permission has been granted for compounding the aforementioned offences, the revision petition is allowed; impugned judgments of conviction and orders of sentence passed by the Courts below, are set aside and the petitioner is acquitted. He is ordered to be released from jail, in case he is not required in any other case.

Copy of this order be sent to the Court/Successor Court of the Convicting Magistrate, for compliance.

April 02, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No