

CRA-S-643-SB-2018 (O&M)

Saurabh Dagar

....Appellant

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present : Mr.Pradeep Virk, Advocate
for the applicant/appellant.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J.

CRM-26351-2018

Prayer made in the application is for quashing of the FIR

No.578 dated 1.9.2014 under Sections 148, 149, 323, 325, 452, 307, 506

IPC registered at Police Station Ballabgarh (Annexure A-3) and the

report/challan dated 11.3.2015 under Section 173 Cr.P.C. (Annexure A-4)

and the judgment of conviction dated 5.2.2019 passed by the Additional

Sessions Judge, Faridabad.

Counsel for the applicant/appellant requests that the main case be

taken up for final arguments.

The request is accepted and the main case is taken up today itself.

CRA-S-643-SB of 2018

Prayer made in the instant appeal is for setting aside the judgment

of conviction dated 5.2.2018 passed by the trial Court vide which the appellant

was held guilty of offences punishable under Sections 148, 325, 452, 307 and

506 read with Section 149 IPC and order of sentence dated 5.2.2018 vide which

he was sentenced to undergo rigorous imprisonment as under :-

Name of Convict	Offence	Rigorous imprisonment	Fine	In default of payment of fine
Saurabh Dagar	148 IPC	Two years	Rs.5,000/-	Convict will further undergo simple imprisonment for three months.
	325 IPC rws 149 IPC	Two years	Rs.5,000/-	Convict will further undergo simple imprisonment for three months.
	452 IPC rws 149 IPC	Three years	Rs.5,000/-	Convict will further undergo simple imprisonment for three months.
	307 IPC rws 149 IPC	Seven years	Rs.10,000/-	Convict will further undergo simple imprisonment for one year.
	506 IPC rws 149 IPC	Two years	Rs.5,000/-	Convict will further undergo simple imprisonment for three months.

During the pendency of the appeal vide order dated 10.5.2018, the sentence of the appellant was suspended. Vide order dated 27.11.2018, noticing the fact that there is a possibility of compromise between the appellant and the complainant/victim, the case was referred to the Mediation and Conciliation Centre of this Court for recording of their statements and submitting a report.

The Mediator had submitted a report dated 10.12.2018 on the basis of the settlement/agreement that a compromise was arrived at between the parties, which is duly signed by the complainant-Manish and injured/victim-Satish in which it was stated that they have no objection if the present appeal is decided in terms of the compromise. The complainant and the injured were identified by their counsel. Appellant-Saurabh Dagar as well as complainant-Manish has signed the same as acknowledgment of a valid compromise.

Counsel for the appellant has referred to the order dated 24.7.2018 passed in CRM-23526 of 2018 vide which the FIR was quashed qua the other co-accused of the appellant on the basis of compromise though

they were declared a proclaimed offender and did not face the trial.

Counsel for the appellant has submitted that even in case of the other accused, the complainant and the injured witnesses have stated that there is a compromise between all the set of accused persons.

Considering the fact that after the conviction of the applicant/appellant, there is a valid compromise between the appellant and complainant-Manish as well as injured/victim-Satish in terms of the Division Bench judgment of this Court passed in ***Sube Singh and another vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102***, wherein it has been 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, this appeal is partly allowed and while upholding the judgment of conviction, the sentence awarded to the appellant is reduced to the sentence already undergone by him.

(ARVIND SINGH SANGWAN)
JUDGE

March 28, 2019
satish

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No