

CRA-S-1578-SB of 2010 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-1578-SB of 2010 (O&M)
Date of Decision: 08.03.2019

Kanwaljeet Singh and others
.....Appellants

Versus

State of Haryana and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. S.S. Walia, Advocate, for the appellants.
Mr. Ashok Muthreja, DAG, Haryana.
Mr. Anil Shukla, Advocate, for respondents No.2 to 4.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, appellants have laid challenge to judgment of conviction dated 03.06.2010 and order of sentence dated 07.06.2010 of the trial Court, holding them guilty and sentencing as under: -

<i>U/s</i>	<i>Sentence</i>	<i>Fine</i>	<i>Sentence in default of payment of fine</i>
148 IPC	R.I. for one year	₹500/-	R.I. for three months
323/149 IPC	R.I. for one year	₹1000/-	R.I. for three months
325/149 IPC	R.I. for two years	₹2000/-	R.I. for six months
307/149 IPC	R.I. for five years	₹10,000/-	R.I. for 1¼ years

This appeal was admitted on 05.07.2010. Learned counsel for the applicant-appellants has moved CRM-27969 of 2018 for quashing the proceedings arising in CRA-S-1578-SB of 2010 on the basis of compromise. To ascertain as to whether application is genuine, vide order dated 10.09.2018 parties were directed to appear before the trial Court for recording their respective statements qua compromise, simultaneously

directing the trial Court to report as to whether compromise between them

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was genuine. Consequently, the trial Court vide its report No.1512 dated 19.12.2018 duly forwarded by learned District and Sessions Judge, Fatehabad vide 1501 dated 14.02.2019 has reported that compromise between the parties is voluntary and genuine.

Heard.

In view of above, main appeal is taken on board for final disposal today itself.

Perusal of file shows that parties are litigating for more than last 12 years. The complainant and appellants-accused are co-villagers and they have settled their dispute amicably vide compromise deed (Annexure A-1). Though offences under Sections 307 and 325 IPC are non-compoundable, but having regard to the fact that occurrence in the instant case did not have any effect on the society in general and considering that dispute between the parties has been settled amicably without any likelihood of repetition of such incident, this Court taking aid of the judgment of *Kailash Chand v. State of Rajasthan*, 2018(4) R.C.R.(Criminal) 292, deems it fit to reduce the sentence of the appellants to the period already undergone.

Ordered accordingly.

Disposed of.

March 08, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No