

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

106

**CRR-2409-2014 (O&M)
Date of Decision : 07.02.2020**

Bal KrishanPetitioner
Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, AAG Haryana
for the respondent-State.

Mr. V.Ramswaroop, Advocate
for the complainant.

JUSTICE ARUN KUMAR TYAGI, J.

CRM-24594-2018

Prayer in the application filed under Section 482 of the Code of Criminal Procedure, 1973 is for grant of permission to compound the offences.

Briefly stated the facts giving rise to the filing of the present application are that FIR No.313 dated 01.08.2005 was registered under Sections 420, 454, 380 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Ratia, District Fatehabad on complaint of Raj Kumar. On completion of investigation, the petitioner along with his co-accused was charge-sheeted to face trial. On trial accused-Yograj was acquitted while the petitioner and his co-accused Yudhister were convicted under Sections 420 and 120-B of the IPC. While co-convict Yudhister was released on probation (who is stated to have died subsequently), the petitioner was

sentenced to undergo rigorous imprisonment for two years and to pay fine of Rs.2,000/- each under Sections 420 and 120-B of the IPC and in case of default to further undergo rigorous imprisonment for two months. The petitioner filed appeal which was dismissed by learned Additional Sessions Judge, Fatehabad. Feeling aggrieved, the petitioner filed the present revision petition. During pendency of the revision petition, the parties have compromised and the petitioner has filed present application for grant of permission to compound the offences.

The application has been filed on the ground that now the matter has been settled between the parties and complainant-Raj Kumar entered into compromise with the petitioner and the complainant has no objection in case the petitioner is acquitted of the offences as the dispute regarding property stands already settled and even this Court has in RSA No.3946 and 3952 of 2011 ordered correction/amendment of the decree while dismissing the appeals. Now the parties do not have any dispute either criminal or civil and all the litigation between them have come to end. The petitioner has accordingly prayed for grant of permission to compound the offences.

Notice of the application was given to the State as well as the complainant.

The complainant has filed reply acknowledging the factum of compromise and consented to grant of permission to enter into composition of the offences.

Learned State Counsel has submitted that the State has no objection in case permission to enter into compromise is granted.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and gone through the record.

Under Section 320(2) of the Cr.P.C. offence punishable under Section 420 of the IPC is compoundable with permission of the Court. Section 320(3) of the Cr.P.C. provides that when an offence is compoundable under Section 320 of the Cr.P.C., the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) or where the accused is liable under Section 34 or 149 of the Indian Penal Code (45 of 1860) may be compounded in like manner. Section 320(6) of the Cr.P.C. empowers the High Court acting in exercise of its powers of revision under section 401 to allow any person to compound any offence which such person is competent to compound under Section 320 of the Cr.P.C.

The petitioner and the complainant have compromised and the dispute between them has been amicably settled. Compromise will restore cordial relations between the petitioner and the complainant and will also benefit the society by restoring peace and harmony. Therefore, application is allowed and permission to compound the offences is granted.

CRR-2409-2014 (O&M)

The petitioner filed present revision petition under Section 397 read with Section 401 of the Cr.P.C. for setting aside judgment dated 28.07.2014 passed by learned Additional Sessions Judge, Fatehabad dismissing appeal against judgment of conviction and order of sentence dated 13.08.2011 passed by learned Sub Divisional Judicial

Magistrate, Ratia.

During pendency of the above-said petition, the petitioner filed application for grant of permission to compound the offences which has been allowed and permission to compound the offences has been granted.

Consequent to grant of permission to compound the offences, parties have entered into compromise deed and filed the same.

The compromise deed is accepted and in view of the same, the petitioner is acquitted of the charges under Sections 420 and 120-B of the IPC in terms of the compromise deed. The revision petition is allowed accordingly and judgment dated 28.07.2014 passed in appeal by learned Additional Sessions Judge, Fatehabad and judgment of conviction and order of sentence dated 13.08.2011 passed by learned Sub Divisional Judicial Magistrate, Ratia are set aside.

07.02.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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