

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

247

CRR No.1476 of 2019 (O&M)

Date of decision : 13.02.2020

Parminder Singh

...Appellant

Versus

State of Punjab

.. Respondents

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Mr.Gurpreet Singh Dhillon, Advocate
for the petitioner.

Mrs.Amarjit Kaur Khurana, DAG, Punjab.

Mr.Chanakya Batta, Advocate for
Mr.P.L.Singla, Advocate for the complainant.

H.S. Madaan, J. (Oral)

Accused, Parminder Singh aged about 28 years and Prabhjot Singh aged about 27 years faced trial by the Judicial Magistrate 1st Class, Kharar in case FIR No.163 dated 08.12.2016 for the offence under Sections 341, 323, 506, 325, 34 IPC registered with Police Station Sadar, Kharar.

Briefly stated the facts of the case as per prosecution story are that on 07.12.2016 at about 10:00 AM, the complainant-Amandeep Singh was going on scooter from his house towards his fields, as a room was being constructed in his fields. When he reached near the house of Balbir Singh, his scooter got collided with the motorcycle of accused Parminder Singh who was coming from other side of the turning point near the house of Balbir Singh. On this, the accused Parminder Singh gave *Panna* blows near the left eyelid, near the left side of nasal bone as well as on the head of complainant and then Parminder Singh and Prabhjot had wrongly restrained

the complainant, besides threatening him with injury to his person. That trial ended in their conviction and sentence as per detailed below:-

Name of convict	Under Section	Sentence	Fine	In default
Parminder Singh & Prabhjot Singh	323 IPC	To undergo S.I. for six month, each	---	---
Parminder Singh & Prabhjot Singh	325 IPC	To undergo S.I. for two years, each	Rs.1000/- each	S.I. 7 days
Parminder Singh & Prabhjot Singh	341 IPC	To undergo S.I. one month, each	---	---
Parminder Singh & Prabhjot Singh	506 IPC	To undergo S.I. six months, each	---	---

All the sentences were ordered to run concurrently.

This was so directed vide judgment dated 06.10.2018 by JMJC, Kharar. Feeling aggrieved by the said judgment, appellant-Parminder Singh has preferred an appeal before the learned Sessions Judge, SAS Nagar, Mohali which was partly accepted vide order dated 03.06.2019. The judgment of conviction and order of sentence qua Prabhjot Singh-appellant-accused was set aside and he was acquitted of the charge framed against him whereas judgment of conviction qua Parminder Singh was upheld but his sentence was modified as under:-

Name of convict	Under Section	Sentence	Fine	In default
Parminder Singh	323 IPC	To undergo S.I. for three months, each	---	---
Parminder Singh	325 IPC	To undergo S.I. for one years, each	Rs.1000/- each	S.I. 7 days
Parminder Singh	341 IPC	To undergo S.I. one month, each	---	---
Parminder Singh	506 IPC	To undergo S.I. three months, each	---	---

All the substantive sentences of imprisonment were ordered to run concurrently.

Still feeling dissatisfied by the said judgment, appellant-Parminder Singh-accused has filed the present criminal revision petition.

Notice of which was given to the State.

The complainant who has been impleaded as respondent No.2, has also put in appearance.

During the pendency of the revision petition, the petitioner-revisionist/accused-convict has compromised the matter with Amandeep Singh-complainant, injured. Copy of compromise is placed on record as Annexure A-1. Affidavit of complainant-injured, Amandeep Singh duly attested, bearing his photograph which has also been attested along with photocopy of Aadhar Card. Similarly, affidavit of the petitioner-revisionist-convict Parminder Singh duly attested bearing his photograph which has also been attested along with Aadhar Card in that regard have been placed on record.

Section 320 Cr.P.C. deals with compounding of offence which provides that offence under Section 323 IPC can be compounded by person to whom hurt is caused; and Section 341 IPC can be compounded by person so restrained or confined and no permission of the court in this regard is required. Offence under Section 506 IPC can be compounded by the person who is injured, no permission of the court is required. As regards offence under Section 325 IPC is concerned, it can be compounded by person to whom hurt is caused with permission of the court.

Under Sub section 6, of Section 320 Cr.P.C. A High Court or Court of Session acting in the exercise of its powers of revision under section 401 may allow any person to compound any offence which such person is competent to compound under this section.

Both the appellants-convicts-Parminder Singh and Prabhjot Singh and the complainant- injured belong to the same village and all are of

young age. In order to enable them to live in peace and harmony in future and to avoid further bad blood, I find it proper and appropriate to grant them necessary permission to compound the offence under Sections 325 IPC and further allow them to compound other offences.

Resultantly, doing so, the judgment of conviction and sentence against them are set aside.

Petition stands allowed.

[H.S. MADAAN]
JUDGE

13.02.2020

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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No