

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(227)

CRA-S-2461-SB-2018 (O&M)
Date of Decision : 02.12.2021

Rinku and another

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Divya Arora, Advocate and
Mr. Rahul Deswal, Advocate for the appellants.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. Rajesh Dhiman, Advocate for respondents No. 2 and 3.

Harsimran Singh Sethi J. (Oral)

CRM-20833-2018

Application is allowed, as prayed for.

CRA-S-2461-SB-2018 and CRM-32738-2019

CRM No. 32738 of 2019 has been filed for compounding the offences for which appellants have been convicted and sentenced to undergo imprisonment for a period of one year.

Though the present appeal has been filed against the order dated 23/24.05.2018 passed by learned Sessions Judge, Fatehabad in connection with FIR No. 292 dated 09.05.2016, registered under Sections 304, 323, 341, 34 IPC at Police Station Ratia, District Fatehabad, wherein, the appellants were convicted under Sections 341, 323 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for a period of one

compromised their dispute. On 07.10.2021, the following order was passed by this Court :-

“Learned counsel for the appellants as well as learned counsel for respondents No. 2 and 3 submits that during the pendency of the present appeal, the parties have already compromised their dispute, which has been reproduced in writing and therefore, the FIR in question may kindly be quashed.

Learned counsel for respondents No. 2 and 3 concedes the factum of compromise.

Before any action is taken, let the parties appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise/settlement on 02.11.2021 by moving appropriate application or by presenting this order.

The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:

- 1. Number of persons arrayed as accused in the FIR,*
- 2. Whether any accused is a proclaimed offender,*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence,*
- 4. Whether the accused persons are involved in any other FIR or not, and*
- 5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainants as well as accused are party to the compromise in question.*

The question of imposition of cost for wasting valuable time of police as well as the Court will be assessed at the time of final hearing of present appeal, in case the FIR is to be quashed.

Adjourned to 02.12.2021.”

In pursuance to the said order, a report has been received from the District & Sessions Judge, Fatehabad dated 09.11.2021, wherein, it has been mentioned that the parties have voluntarily compromised their dispute.

Learned counsel for the appellants prays that keeping in view the fact that the appellants were not convicted under Section 304 IPC but have only been convicted under Sections 323, 341 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for a period of one year, keeping in view the compromise between the parties, the offences may kindly be compounded. Learned counsel for the appellants submits that the appellants are ready to undergo the cost in case their plea for compounding of the offences is accepted, hence the request of the appellants for compounding the offence may kindly be accepted.

Learned counsel appearing for respondents No. 2 and 3/complainant does not dispute the factum of compromise between the parties and raises no objection with regard to the prayer of the appellants for compounding of the offences.

Learned State counsel also raises no objection in case the prayer of the appellants for compounding of the offences keeping in view the compromise between the parties is accepted.

Keeping in view the factual aspect that out of two appellants, who have been awarded rigorous imprisonment for a period of one year, one has already undergone sentence for a period of 06 months and the other appellant has undergone 10 months of sentence, this is a fit case where the prayer of the appellants for compounding of the offences can be accepted.

As per Section 320(6) of the Cr.P.C, the High Court or the

Court of Sessions, as the case may be, even while exercising the powers of revision as envisaged under Section 401 of Cr.P.C can compound the offence. In the present case, it is not disputed by the respondents that the offence, for which, the appellants have been charged and convicted is compoundable. Once, the parties have amicably resolved their dispute and the learned Counsel appearing for the respondents raises no objection to the prayer of the appellants for compounding the offence, it is a fit case, where this Court needs to exercise the jurisdiction of compounding of offence. Accordingly, keeping in view the facts and circumstances of this case noticed hereinbefore, the present appeal is accepted and the offences, for which, the appellants are charged, are compounded and the judgment dated 23/24.05.2018 passed by learned Sessions Judge, Fatehabad is set aside and the accused are ordered to be acquitted, subject to payment of cost of Rs.15,000/- to be deposited with Prabh Aasra (Unit of) u/o Universal Disabled Care Taker Social Welfare Society, (who are maintaining Orphans) in Bank A/c No. 014894600000970, SCO 151-152, Sector 9-C, Chandigarh or A/c No. 100035657241 of IndusInd Bank, Sector-54, Phase-II, Mohali Branch.

CRM-20834 of 2018

Application has become infructuous keeping in view the order passed in the main appeal.

December 02, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes