

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRR No.792 of 2020 (O&M)

Date of Decision : 01.10.2021

Harpal Singh

..Petitioner

Versus

Ram Pal Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jaswinder Singh Grewal, Advocate for the petitioner.

Mr. Armaan Gagneja, Advocate for respondent No.1.

Mr. Sandeep Kumar, DAG, Punjab for respondent No.2-State.

Harsimran Singh Sethi, J. (Oral)

In the present criminal revision petition, the challenge is to order dated 27.09.2016 passed by the Sub-Divisional Judicial Magistrate Abohar, by which, the petitioner was convicted for violating the provisions of the Negotiable Instruments Act, 1881 and was sentenced to undergo rigorous imprisonment for a period of one year with fine of Rs,1000/- -and also to order dated 04.01.2020 passed by the Additional Sessions Judge, Fazilka by which, the appeal of the petitioner against the order of conviction was dismissed.

Learned counsel for the petitioner argues that during the pendency of the present criminal revision petition, the parties have entered into a compromise and the petitioner has already discharged his liability to

the satisfaction of the respondents and, therefore, the conviction ordered by the Court below may kindly be re-considered, keeping in view the facts and circumstances that exists as of now. Learned counsel for the petitioner prays that his oral prayer for compounding the offence may kindly be accepted.

Learned counsel appearing for the respondent No.1 submits that as per instructions received from the respondent No.1, the liability has already been discharged by the petitioner to the satisfaction of the respondent. Learned counsel for the respondent No.1 submits that he has no objection, in case, the offence, for which, the petitioner has been charged is compounded.

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 petitioner has been charged and convicted is compoundable. Once, the parties have amicably resolved their dispute and the respondents have already stated before this Court that the petitioner has discharged his liability to their satisfaction and the learned Counsel appearing for the respondents raises no objection to the prayer of the petitioner 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 noticed hereinbefore, the present revision petition is accepted and the offence, for which, the petitioner is charged is compounded and judgment dated 27.09.2016 passed by the Sub-Divisional Judicial Magistrate Abohar, as well as judgment dated 04.01.2020 passed by the Additional Sessions Judge,

Fazilka are set aside and the accused is ordered to be acquitted.

CRM-9661-2020

Application stands disposed of keeping in view the order passed in the main criminal revision petition.

October 01, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No