

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH****CRR-1040-2019 (O&M)****Date of Decision: 08.01.2021**

Balkar Singh &amp; another

...Petitioners

Versus

State of Punjab &amp; another

...Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. P.P.S.Duggall, Advocate, for the petitioners.

Mr. Ajay Pal Singh Gill, DAG, Punjab,  
assisted by ASI Guriqbal Singh.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioners have approached this Court assailing judgment dated 04.04.2019 passed by the learned Additional Sessions Judge, Gurdaspur, whereby the appeal filed by the petitioners challenging their conviction, as recorded by learned Magistrate in respect of offence under Section 420 IPC, has been dismissed.
2. The allegations, in nutshell, against the petitioners are that the complainant Rajbir Singh knew petitioner No.1 Dr. Balkar Singh since long and he represented to the complainant that in case he intended to go abroad, he could send him abroad i.e. to America for an amount of Rs.12 lakhs. It is alleged that the deal was settled at Rs.9.5 lakhs out of which the complainant gave an amount of Rs.4 lakhs to the petitioner Balkar Singh and to his son, who is also an accused and arrayed as petitioner No.2 in the instant petition. The complainant alleged that instead of sending to

America, he was sent to Nigeria where he was kept confined in a room and from where he was forced to make a call at his home so as to tell them to make the payment of Rs.5.5 lakhs to Dr. Balkar Singh and Jastinder Kaur, which was accordingly made. However, the complainant was never sent to America and was ultimately forced to return to India.

3. Learned Magistrate tried both the petitioners as well as Jatinder Kaur i.e. wife of petitioner No.1 Balkar Singh and held both the petitioners herein guilty for an offence committed under Section 420 IPC, while Jatinder Kaur was acquitted of the charges framed against her. The petitioners were imposed rigorous imprisonment for a period of 1½ years apart from fine amounting to Rs.2000/- each.
4. The appeal filed by the petitioners in the Court of Sessions was also dismissed leading to filing of the instant revision petition before this Court.
5. During the course of proceedings of the petition, it was represented that the parties have amicably resolved their issues and have compromised the matter. Consequently, this Court vide order dated 29.10.2020 directed the parties to get their statements recorded before the trial Court.
6. Report of learned Judicial Magistrate 1<sup>st</sup> Class, Gurdaspur, has been received to the effect that statements of the parties have been recorded to the effect that they have entered into a compromise and that the compromise has been entered out of their free will without there being any pressure.

7. Having regard to the aforestated position of the parties having amicably resolved their issues, this Court deems appropriate to protect the petitioners to compound the matter particularly since the complainant has specifically stated before learned Judicial Magistrate 1<sup>st</sup> Class, Gurdaspur that he has no objection in case the FIR in question is quashed. As such, since offence under Section 420 IPC is compoundable, the conviction, as recorded by the Magistrate and as upheld by the Court of Sessions, is hereby set aside. The revision petition, as such, is accepted and the petitioners are acquitted of all the charges framed against them.

**08.01.2021**

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**(GURVINDER SINGH GILL)**

**JUDGE**

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**