

**109+230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision : 16.12.2021

**(1) CRM-38569-2021 in/and
CRR No.836-2021(O&M)**

Bharpoor Singh

... Petitioner

Versus

State of Punjab

... Respondent

**2) CRM-38568-2021 in/and
CRR No.882-2021(O&M)**

Bhajan Pal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Aditya Sanghi, Advocate,
Mr. Ashwani Bhardwaj, Advocate and
Mr. Lokesh Sharma, Advocate for the petitioner
(in CRR-836-2021)

Mr. Paramjit Singh Brar, Advocate
for the petitioner in CRR-882-2021.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. R.S.Rangpuri, Advocate
for the applicant/complainants in CRM-38569-2021

HARSIMRAN SINGH SETHI J. (ORAL)

**CRM-38569-2021 in CRR No.836-2021(O&M)
CRM-38568-2021 in CRR No.882-2021(O&M)**

Present applications have been filed for impleading legal
representatives of the complainant, who unfortunately died on 09.12.2015
during the pendency of the appeal before the first appellate Court.

Notice of the applications to learned counsel opposite.

Mr. Aditya Sanghi, Advocate, Mr. Ashwani Bhardwaj, Advocate and Mr. Lokesh Sharma, Advocate accepts notice on behalf of the petitioner in CRM No.38569 of 2021 in CRR-836-2021 and Mr. Paramjit Singh Brar, Advocate, accepts notice on behalf of the petitioner in CRM-38568-2021 in CRR-882-2021. Mr. Sandeep Singh Deol, DAG, Punjab, accepts notice on behalf of the respondent-State. Learned counsel appearing for the non-applicants raise no objection for the grant of prayer as raised in the present applications.

Keeping in view the averments made in the applications, which are duly supported by affidavits, the present applications are allowed. Legal heirs of the complainant, the details of whom are given in para 3 of the applications, are allowed to be impleaded in the present revision petitions and the amended memo of parties attached with the present applications are taken on record.

CMs stand allowed.

CRM-24972-2021 in CRR-836-2021

Application is allowed as prayed for.

Main cases

By this common order, both the criminal revisions which arise out of the same FIR, are being decided by this Court.

Learned counsel appearing on behalf of the petitioners submits that though, the challenge is to the order of conviction and sentence dated 20.07.2021 passed by the lower Appellate Court but as the parties have already settled their dispute during the pendency of these revision petitions,

on the oral request of the petitioners, the offence may kindly be compounded.

Learned counsel for the petitioners submits that as per the compromise dated 07.12.2021 as well as 16.12.2021, which has been effected between the parties and has been reduced in writing, the grievance of the respondents have been redressed to their satisfaction.

Learned counsel appearing on behalf of the respondents submits that the parties have entered into a compromise and the terms and conditions of the said compromise are agreeable to them and no further grievance of the respondent survives, hence, the respondent has no objection in case, the oral prayer of the petitioners for compounding of the offence is accepted.

Learned counsel appearing on behalf of the parties jointly submit that the terms and conditions of the compromise has been arrived at with their free will and without any coercion and the same will be adhere to without any fail.

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 petitioners have been charged and convicted is compoundable. Once, the parties have amicably resolved their dispute and the respondent-complainants have already stated before this Court that the petitioners have discharged their liability to satisfaction of the respondents

and the learned Counsel appearing for the respondents raises no objection to the prayer of the petitioners 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 petitions are accepted and the offence, for which, the petitioners are charged/convicted is compounded and the judgment dated 20.07.2021 passed by Lower Appellate Court is set aside and the accused are ordered to be acquitted.

CRM-42224-2021 in CRR-882-2021
CRM-24971-2021 in CRR-836-2021

Applications stand disposed of keeping in view the order passed in the main criminal revision petitions.

16.12.2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes