

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1.

CRR-3200-2009

Date of decision: 14.10.2022

Jaswant Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

2.

CRR-520-2010

Date of decision: 14.10.2022

Mohinderpal Singh

.....Petitioner

versus

Jaswant Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Narinder Singh, Advocate
for the petitioner in CRR-3200-2009 and
for the respondent in CRR-520-2010.

Mr. Adhiraj Singh, A.A.G., Punjab.

Mr. A.K. Jain, Advocate
for respondent No.2 in CRR-3200-2009 and
for the petitioner in CRR-520-2010.

NAMIT KUMAR, J. (ORAL)

This judgment shall dispose of two revision petitions bearing CRR-3200-2009 and CRR-520-2010 as both the petitions relate to the same dispute. For the sake of brevity, the facts are being extracted from the main case bearing CRR-3200-2009.

These revisions have been filed for setting aside the order dated 19.11.2008 of conviction of the petitioner passed by the learned CJM, Rupnagar in Complaint No.63/13.09.2000 titled as '*Mohinderpal Singh Vs. Jaswant Singh*' as also to the judgment dated 05.12.2009 passed by Ld.

Sessions Judge, Rupnagar.

On 17.08.2022, the following order was passed by this Court:-

“Learned counsel for the petitioner(s) pray for adjournment to seek instructions in the matter for settlement of compensation with the respondent.

Adjourned to 14.10.2022.

A photocopy of this order be placed on the file of connected case.”

Learned counsel for the petitioners submit that there is oral settlement between the parties, and in view of the same, a sum of Rs.25,000/- is paid by the counsel for the petitioner, in cash, to Mr. A.K. Jain, Advocate for respondent No.2 in Court, who shall hand over the same to respondent No.2, in lieu of compensation. Learned counsel for the respondent No.2 in CRR-3200-2009 submits that the respondent will adhere to the oral settlement. Counsel for the petitioner pray for quashing of the order of conviction and sentence dated 19.11.2008.

The Hon’ble Supreme Court in ***“Ramgopal and another versus State of Madhya Pradesh, 2021(4) RCR (Criminal) 322”***, has held that in non-compoundable cases of pre-dominantly private nature, even if compromise is reached after conviction, the proceedings can be quashed under Section 482 Cr.P.C. Further, the compromise in the present case is found to be fully covered in consonance of judgments and the directions issued by the Court in ***“Kulwinder Singh & Ors. Vs. State of Punjab 2007 (3) RCR (Criminal) 1052”*** and ***“Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543”***.

The Hon’ble Supreme Court in ***“A.T. Sivaperumal versus Mohammed Hyath (D) by LRs, decided on 27.03.2017”***, has held that once

the settlement between the parties has been arrived at, the conviction can also be set aside and the litigation too. Similar view has been taken by a Co-ordinate Bench of this Court in the case of “*Jagmohan Vs. Sandeep Aggarwal and another 2021(4) RCR (Criminal) 86*”.

Therefore, keeping in view of the oral settlement between the parties, the conviction and sentence of the petitioner is set aside by nullifying the judgment/orders dated 19.11.2008 & 05.12.2009 passed by both the Courts below.

In view of the above, the present petitions are disposed of accordingly.

14.10.2022

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No