

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

103+ 220

**CRR-4279-2016 (O &M)
Date of decision: 17.02.2022**

GURMAIL KAUR

.....Petitioner

Versus

UT OF CHANDIGARH AND ANR.

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Shiv Kumar Sharma, Advocate
for the applicant-petitioner.

Mr. Amit Kumar Goyal, Addl. P.P., U.T. Chandigarh

SANT PARKASH, J. (ORAL)

*(The case has been taken up for hearing through video
conferencing.)*

CRM-4392-2022

Prayer in the application filed under Section 482 Cr.P.C. is for placing on record the copy of 'bank passbook' of son of the petitioner showing the transaction of Rs. 6,00,000/- paid to the complainant as per the compromise dated 19.04.2018 in compliance of order dated 01.02.2022 passed in the main petition CRR-4279-2016.

For the reasons mentioned in the application, the same is allowed and the document as annexed is taken on record as Annexure A-1 and the applicant-petitioner is exempted from filing the certified/typed copy of the same.

CRM-11639-2019 in/and CRR-4279-2016

The petitioner has filed application **CRM-11639-2019** under Section 320 of the Cr.P.C. for allowing compounding of the offence under Section 420 of the Indian Penal Code, 1860 and for deciding the Revision Petition bearing No.**CRR-4279-2016** in terms of the compromise dated 19.04.2018 entered into between the parties with the prayer that the petitioner may be acquitted of the charges levelled against him in view of the said compromise.

The petitioner has filed the above said revision petition under Section 401 of the Cr.P.C. for setting aside judgment dated 08.11.2016 passed by learned Additional Sessions Judge, Chandigarh dismissing appeal against judgment of conviction and order of sentence both dated 29.07.2015 passed by learned Judicial Magistrate First Class, Chandigarh.

During pendency of the above-said Revision Petition, the petitioner arrived at compromise with complainant/respondent No.2-Krishna Rani in Mediation Centre of this Court and filed the aforesaid application for deciding the petition in terms of the said compromise dated 19.04.2018.

Vide order dated 01.02.2022, a specific query was raised with regard to the condition referred in the mediation settlement/compromise as to payment of Rs. 6 Lakhs to the complainant by way of cheque.

Today, vide **CRM-4392-2022**, learned Counsel for the petitioner has placed on record the copy of 'bank passbook' (Annexure

A-1) of son of the petitioner showing the transaction of Rs. 6,00,000/- paid to the complainant-Krishna Rani on 21.04.2018 vide cheque No. 195902, in view of compromise dated 19.04.2018.

Learned State Counsel has no objection if the Revision Petition is disposed of in terms of the compromise.

I have heard learned Counsel for the parties and have gone through the relevant record.

Under Section 320(2) of the Cr.P.C. offence punishable under Section 420 of the IPC is compoundable with permission of the Court. Section 320(3) of the Cr.P.C. provides that when an offence is compoundable under Section 320 of the Cr.P.C., the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) or where the accused is liable under Section 34 or 149 of the Indian Penal Code (45 of 1860) may be compounded in like manner. Section 320(6) of the Cr.P.C. empowers the High Court acting in exercise of its powers of revision under section 401 to allow any person to compound any offence which such person is competent to compound under Section 320 of the Cr.P.C.

The petitioner-accused and respondent No.2-complainant have compromised and settled the dispute between them. Respondent No.2-complainant has already received the amount of Rs.6 lakhs from the petitioner-accused in view of the compromise/settlement. Compromise will restore cordial relations between the parties and will also contribute to peace and harmony in the society. Therefore, the offence under Section 420 IPC is compounded.

In view of the facts and circumstances, the compromise deed entered into between the parties is accepted and in view of the compromise, the petitioner is acquitted of the charges under Section 420 of the IPC and judgment dated 08.11.2016 passed in appeal by learned Additional Sessions Judge, Chandigarh and judgment of conviction and order of sentence both dated 29.07.2015 passed by learned Judicial Magistrate First Class, Chandigarh are set aside.

The revision petition is allowed accordingly.

Since the main case itself has been decided, any pending civil miscellaneous applications have been rendered infructuous and are disposed of accordingly.

17.02.2022
kavneet singh

(SANT PARKASH)
JUDGE

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