

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

CRR-3081-2018 (O&M)

Date of Decision: 10.03.2022

Jagdish Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Sandeep Sharma, Advocate for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. V.K.Sandhir, Advocate
for respondent No.2.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

SANT PARKASH, J.

The present revision petition has been filed against the against the judgment dated 23.07.2013 passed by the learned Additional Chief Judicial Magistrate, Amritsar, whereby the petitioner was convicted and sentenced for the offence punishable under Section 498-A IPC, which was subsequently upheld by the learned Sessions Judge, Amritsar, vide order dated 04.09.2018.

During the pendency of the present revision petition, the parties have settled the dispute and on the basis of that, they were directed to appear before the learned Illaqa Magistrate/ Trial Court for recording their statements with regard to compromise / settlement dated 12.1.2022. In

response to the same, report of Additional Chief Judicial Magistrate, Amritsar has been received. As per the same, the compromise has indeed been effected between the parties and the same is voluntary and without any undue influence or pressure upon any of the parties. Copies of the statements of the parties have been appended with the said report.

Learned counsel for respondent No.2-complainant does not dispute the factum of compromise having been arrived at between the parties. It has also been brought to the notice of the Court that all the disputes brought to this Court stands settled and amount of Rs.2 lacs as deposited on the basis of order dated 13.09.2018 has been released in favour of the complainant.

I have heard the learned counsel for the parties and considered their submissions.

The Hon'ble Supreme Court in **Dr.Arvind Barsaul etc. vs. State of Madhya Pradesh & Anr., (2008) 5 SCC 794** quashed the criminal proceedings under Section 498-A, keeping in view the peculiar facts and circumstances of the case and in the interest of justice observing that “continuation of criminal proceedings would be an abuse of the process of law”

In view of the report dated 18.02.2022 of Additional Chief Judicial Magistrate, Amritsar and the principles laid down by the Apex Court in Gian Singh Vs State of Punjab and others, (2012) 10 SCC 303 and also by the Full Bench of this Court in Kulwinder Singh and others Vs State of Punjab and another, 2007(3) RCR (Crl) 1052, the instant revision petition is allowed. Consequently, the judgments of

conviction and sentence passed by the courts below are set aside and the petitioner is acquitted of the charges.

The petitioner is on bail. His bail bonds shall stand discharged.

10.03.2022
mks

(SANT PARKASH)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO