

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

**CRM-38138-2021 in/and
CRA-AD-8017-2018 (O&M)
Date of Decision: November 23, 2022**

STATE OF HARYANA AND OTHERS

..... Appellant(s)

Versus

SANDEEP AND OTHERS

..... Respondent(s)

**CRM-39613-2021 in/and
CRM-A-1583-2019 (O&M)**

DARBARA SINGH

..... Appellant (s)

Versus

JASVIR SINGH AND OTHERS

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Manvinder Sidhu, Advocate
for the applicants/respondents (in CRM-38138-2021 in
CRA-AD-8017-2018) and
for the applicant/appellant (in CRM-39613-2017 in
CRM-A-1583-2019).

Mr. Raman Sharma, Addl. AG, Haryana
for the non-applicant/appellant (in CRM-38138-2017 in
CRA-AD-8017-2018) and
for respondent No.5/State (in CRM-39613-2017 in
CRM-A-1583-2019).

Mr. Abhinav Singla, Advocate for
Mr. Amit Goyal, Advocate for
respondents No.1 to 4 (in CRM-A-1583-2019).

LISA GILL, J.

This order shall dispose of CRM-38138-2021 in/and CRA-AD-8017-2018 and CRM-39613-2021 in/and CRM-A-1583-2019, which are taken up together for hearing and decision at request and consent of learned counsel for the parties as both the appeals arise out of the same incident.

It is submitted that respondents in CRA-AD-8017-2018 and CRM-A-1583-2019 were acquitted of the offence punishable under Sections 323, 324, 148, 149, 326 and 307 IPC, arising out of FIR No.145 dated 04.08.2011, vide judgment dated 28.03.2018, passed by learned Additional Sessions Judge, Sirsa. The accused in complaint under Section 326/506/34 IPC were also acquitted vide separate judgment dated 28.03.2018, passed by learned Additional Sessions Judge, Sirsa. FIR No.145 dated 04.08.2011 was registered against Darbara Singh and others at the instance of Jasvir Singh. Complaint under Section 326/506/34 IPC was filed against Jasvir Singh and others at the instance of Darbara Singh. Both the cases were tried by the learned Additional Sessions Judge, Sirsa and vide separate judgments of even date i.e. 28.03.2018 all the accused in both the complaint as well as the FIR were acquitted.

CRM-A-2227-MA-2018 was filed by the State challenging acquittal of accused Darbara Singh and others in the matter arising out of FIR No.145 dated 04.08.2011. Leave to appeal was granted in the matter on 04.12.2018. Appeal was directed to be registered and admitted for hearing. It was registered as CRA-AD-8017-2018. Thereafter, CRM-A-1583-2019 was filed by Darbara Singh challenging acquittal of Jasvir Singh and others, vide judgment dated 28.03.2018, passed by learned Additional Sessions

Judge, Sirsa. Notice of the application seeking condonation of delay was issued in the said appeal.

Learned counsel for the parties submit that during pendency of above mentioned appeal/applications, parties have amicably resolved the dispute. As they are residents of the same village with their house being adjacent to each other, they have decided to reside in peace and harmony and let bygones be bygones. The complainant in both FIR and the complaint do not seek to pursue the matter any further. Accordingly, applications as mentioned above have been filed.

Vide order dated 16.09.2022, the parties were directed to appear before learned Chief Judicial Magistrate/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned Chief Judicial Magistrate/Illaqa Magistrate was directed to submit a report regarding the genuineness of the compromise. Learned Chief Judicial Magistrate/Illaqa Magistrate was also directed to intimate the total number of accused persons as well as affected persons. Information was sought regarding conviction/involvement of any of the accused in any other case.

Pursuant to order dated 16.09.2022, parties appeared before the Chief Judicial Magistrate, Sirsa on 26.09.2022. As per report dated 03.11.2022, by the Chief Judicial Magistrate, Sirsa, parties appeared before the learned Chief Judicial Magistrate, Sirsa on 26.09.2022 and their statements were recorded. All the parties stated that the matter has been compromised by them without any pressure, coercion, inducement and without any condition. Written compromise Ex.C1 as well as affidavits of the parties to the effect that no criminal case is pending against them and they have not been declared proclaimed offender in any case were tendered. Statement of the Investigating

Officer has also been recorded separately. Compromise dated 24.09.2021 between the parties, statements of all the parties alongwith their affidavits are attached with the report dated 03.11.2022 of learned Chief Judicial Magistrate, Sirsa and are available on the file of CRA-AD-8017-2018.

At request and with consent of learned counsel for the parties, both the appeals are taken on Board today itself for hearing and decision.

Learned counsel for the parties re-affirm and verify the factum of settlement between the parties and confirm that during pendency of the above mentioned appeals, the parties have compromised the matter as they seek to reside in peace and harmony. It is further submitted that the offence punishable under Section 307 IPC as alleged is in fact not made out. Learned trial Court has rightly acquitted the accused persons on not finding clear-cut and cogent evidence in this regard. Learned counsel for the complainant/appellant in the criminal complaint submits that the complainant does not wish to pursue the matter any further and accepts the judgment of acquittal, thus seeking to withdraw CRM-A-1583-2019. Learned counsel for the complainant in FIR also submits that acquittal of the accused therein be upheld.

Learned counsel for the State does not raise any serious objection to the upholding of acquittal of the accused, keeping in view the fact that the matter has been amicably resolved between the parties.

In ***Kulwinder Singh and others versus State of Punjab and another*** 2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed as under:-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the

power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

It is apparent that in the given factual matrix no useful purpose would be served by continuance of the present proceedings and it will merely lead to wastage of precious time of the court and would be an exercise in futility.

Keeping in view the facts and circumstances of this case, the appeal CRM-A-1583-2019, filed by complainant-Darbara Singh, challenging acquittal of Jasvir Singh and three others in complaint under Sections 326/506/34 IPC, is permitted to be withdrawn. Judgment dated 28.03.2018, passed by the learned Sessions Judge, Sirsa, acquitting Sandeep and other four persons of the charges levelled against them in FIR No.145 dated 14.08.2011 under Sections 323, 324, 148, 149, 326, 307 IPC, P.S. Sadar, is upheld in view of the compromise between the parties. Appeal, CRA-AD-8017-2018, filed by the State, is disposed of accordingly.

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

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

23.11.2022

Sunil

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No