

235 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1789-2022

Date of decision: 20.09.2022

Sanchit Anand

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Rajan Bansal, Advocate
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This revision has been filed for setting aside the order dated 30.04.2016 of conviction of the petitioner passed by the learned JMIC, Jalandhar in NACT No.388 of 2015 titled as 'M/s Kalgidhar Finance Col (Regd.) vs. Sanchit Anand'.

Mr. Vipin Kumar Sharma, Advocate puts in appearance on behalf of respondent No.2 and filed power of attorney in the Court which is taken on record.

In terms of order dated 31.08.2022, a demand draft bearing No. 026779 dated 24.08.2022, drawn at HDFC Bank, Civil Lines, Jalandhar amounting to Rs.1.25 lacs, has been deposited with the Registry of this Court. Registry is directed to release the same in favour of respondent No.2.

Learned counsel for the petitioner further submits that 9% interest as granted by the Court of the learned JMIC, Jalandhar vide order dated 30.04.2016, as accrued till date shall be paid to respondent No.2.

The interest amount to respondent No.2 be paid by the

petitioner within a period of one month from today.

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"**.

Consequently, the conviction and sentence of the petitioner is set aside by nullifying the judgment/orders dated 03.08.2022 & 30.04.2016 passed by both the Courts below.

The present revision stands disposed off accordingly.

However, respondent No.2 is at liberty to file an application for revival of the petition in case the said amount is not paid by the petitioner within the time period mentioned above.

20.09.2022

Neha

(NAMIT KUMAR)
JUDGE

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