

**(109+292) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRR-1720-2021(O&M)
Date of Decision: 28.07.2022**

KULDEEP SINGH AND ANOTHER

... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr Ravinder Singh, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

Mr. S.S. Bedi, Advocate for respondent No.2.

JASJIT SINGH BEDI, J.

The present revision petition has been filed against the judgment dated 08.11.2021 passed by the learned Additional District and Sessions Judge, Bathinda, vide which the appeal preferred by the petitioners against the judgment of conviction and order of sentence dated 10.10.2017 passed by Sub-Divisional Judicial Magistrate, Phul in FIR No.51 dated 07.07.2014 registered under Sections 325, 323, 34 IPC, at Police Station Sadar Rampura, convicting the appellants under Sections 325, 323, 34 IPC, has been dismissed.

2. The prosecution case in brief is that on 20.03.2014 at about 05.00 PM in the area of village Krarwala, accused Kuldeep Singh in furtherance of common intention of his co-accused Gursewak Singh caused

grievous hurt on the person of Jasvir Singh by means of a blunt weapon and thus committed an offence punishable under Sections 325 read with Section 34 IPC. So, the present case was registered against the accused. Investigation was initiated, site plan was prepared and after completion of investigation challan was presented in the Court.

3. A *prima facie* case was found to have been made out against accused Kuldeep Singh under Section 325 IPC and Gursewak Singh under Sections 325/34 IPC. The accused were charge-sheeted accordingly.

4. In order to prove its case, the prosecution examined ASI Chiman Lal as PW1, Jasvir Singh complainant as PW2, Dr. Seema Garg as PW3, Raghbir Singh as PW4 (wrongly mentioned as PW3), Dr. Shashi Jain as PW5, Dr. Sukhwinder Pal Singh as PW6, Dr. H.S. Ghai as PW7, Dr. Kamal Sharma as PW8. Thereafter, the evidence of the prosecution was closed by order.

5. The accused were examined under Section 313 Cr.P.C. by putting the entire incriminating circumstances/evidence appearing against them which they denied being incorrect and pleaded that they were falsely implicated. The accused led no evidence in defence.

6. Based on the evidence led and the record exhibited, the petitioners were convicted and sentenced by the learned Sub-Divisional Judicial Magistrate, Phul, as under:-

Name of convict	Offences U/s	Sentence awarded	Fine imposed	In default of payment of fine
Kuldeep Singh	325 IPC	RI for 1 ½ year	Rs.1000/-	RI for 15 days
Gursewak Singh	325/34 IPC	RI for 1 ½ year	Rs.1000/-	RI for 15 days

7. Pursuant thereto, the petitioners preferred an appeal before the Court of learned Additional District and Sessions Judge, Bathinda, which came to be dismissed on 08.11.2021.

8. After the appeal had been dismissed, the present revision petition under Section 401 Cr.P.C. has been preferred by the petitioners before this Court.

9. During the pendency of the present petition, a compromise dated 05.01.2022 (Annexure P-4) was effected between the petitioners and respondent No.2-complainant.

10. In terms of Section 320(2) Cr.P.C., the offence under Section 325 IPC can be compounded with the permission of the Court by the person to whom hurt is caused. In the present case, the complainant has effected a settlement and the same is on record as Annexure A-4. He has appeared in Court today and has endorsed the said settlement as well.

11. A perusal of Section 320(6) Cr.P.C. would show that the High Court or the Court of Session acting in the exercise of its power of revision under Section 401 Cr.P.C. may allow any person to compound an offence which such person is competent to compound under this Section. Section 320(8) Cr.P.C. states that the effect of the composition of an offence is that the accused is to be acquitted. A combined reading of Section 320(2) Cr.P.C., Section 320(6) Cr.P.C. and Section 320(8) Cr.P.C. leave no doubt that an offence under Section 325 IPC can be compounded at the instance of the person to whom hurt is caused, with the permission of the Court at the revisional stage and the effect of such composition is that the accused is to be acquitted. The said proposition of law has been set down in '**P. Ramaswamy**

Vs. State (U.T.) of Andaman and Nicobar Islands, 2013(3) RCR (Criminal) 760, 'Ramesh Chander Vs. State of Haryana and another, 2007(1) RCR (Criminal) 245' and Inderjit Singh Basarke Versus State of Punjab and another, in CRR-1062-2019, decided on 07.03.2022.

12. In view of the afore-mentioned discussion, the settlement effected between the parties and the provisions of law as enumerated hereinabove, the present petition is allowed. The judgment dated 08.11.2021 passed by the learned Additional District and Sessions Judge, Bathinda and the judgment of conviction and the order of sentence dated 10.10.2017 passed by the learned Sub-Divisional Judicial Magistrate, Phul in FIR No.51 dated 07.07.2014 dated 07.07.2014 registered under Sections 325, 323, 34 IPC, at Police Station Sadar Rampura, are hereby set aside and the petitioners are acquitted of the charges framed against them.

CRM-43554-2021

Since the revision petition has been decided, the CRM-43554-2021 for suspension of sentence of the petitioner stands disposed of.

**(JASJIT SINGH BEDI)
JUDGE**

28.07.2022
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No