

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

(1)

CRA-D-1537-DB-2013

Dimple

.....Appellant(s)

Versus

State of Punjab & others

.....Respondent(s)

(2)

CRA-S-3527-SB-2013 (O&M)

Manoj Kumar & others

.....Appellant(s)

Versus

State of Punjab

.....Respondent(s)

Decided on :09.02.2023

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present:- Mr.Aseem Kaushal, Advocate, for
Mr.Manu Loona, Advocate
for the appellant in CRA-D-1537-DB-2013
and for the respondent in CRA-3527-SB-2013.

Mr.Rhythem Bajaj, Advocate, for
Mr.SPS Sidhu, Advocate
for the appellants in CRA-S-3527-SB-2013
and for the respondent in CRA-D-1537-DB-2013.

Mr.Navneet Singh, Sr.DAG, Punjab.

G.S. Sandhawalia, J. Oral :-

CRM-32513-2022 in CRA-S-3527-SB-2013

Application has been filed by the 10 appellants for
compounding of offence under Section 320 Cr.P.C. read with Section 482
Cr.P.C., in view of the compromise effected between the parties in FIR
No.144 dated 13.08.2011 lodged under Sections 376, 354, 342, 506, 323,

148 & 149 IPC at Police Station Sadar Fazilka. They were convicted under Sections 325 and 323/148 read with Section 149 IPC. Appellants Manoj Kumar, Partap, Indraj, Rakesh Kumar and Kuldeep Kumar have been convicted and sentenced to undergo rigorous imprisonment for a period of 2 years and to pay fine of Rs.500/-, in default of payment of fine to further undergo rigorous imprisonment for one month each under Section 323/149 read with Section 148 IPC whereas appellants Daya Ram, Ram Partap, Surjit, Rakesh, Ravi and Sonu have been convicted and sentenced to undergo rigorous imprisonment for a period of 2 years each and to pay fine of Rs.1000/- each, in default of payment of fine, to further undergo rigorous imprisonment for one month under Sections 325/149 read with Section 148 IPC. The said appellants have also been awarded sentence to undergo rigorous imprisonment for a period of one month each under Section 323 IPC. Compensation of victims for Rs.1,00,000/- was awarded at Rs.10,000/- each which was payable to the extent of 60% to prosecutrix-Dimple and the two injured namely Net Ram and Sharda were to be given 20% each. The prosecutrix-Dimple has also filed appeal bearing CRA-D-1537-DB-2013 challenging the acquittal under Section 376 Cr.P.C.

During the pendency of the appeals, the matter had been compromised and it was noticed on 26.05.2022 that the parties belong to the same village and are settling their dispute and are seeking acquittal on that basis. Resultantly, direction was issued that statements of the parties be recorded before the Additional Sessions Judge, Fazilka whether the parties are willing to settle the matter and accept the compensation amount. The report dated 18.07.2022 has been received wherein the statement of the parties have been recorded and resultantly, the present

application has been filed in which notice for compounding the offences was issued.

A perusal of the report of the Additional District & Sessions Judge, Fazilka would go on to show that the statement of Dimple is recorded that she had effected the compromise without any undue influence, coercion, pressure and had arrived at the compromise due to the intervention of the respectables and relatives and she is willing to accept Rs.60,000/- out of total amount of Rs.1,00,000/- whereas the other 2 injured namely Net Ram and Sharda received Rs.20,000/- each as per the statements recorded on 02.07.2022 before the Trial Court and also acknowledged the factum of compromise.

Counsel appearing for the appellant-Dimple in CRA-1537-DB-2013 submits that the amount has been received by the appellant in pursuance of the compromise.

Accordingly, keeping in view the provisions of Section 320 Cr.P.C. and the fact that the parties are residing in the same village and have succeeded to resolve the dispute with the intervention of the respectables of the village, this Court is of the considered opinion that permission of this Court for compounding of offence under the said provision is liable to be granted. The same would settle the dispute and ensure that the parties live thereafter peacefully. Accordingly, said permission is granted and the application is allowed and the main cases are taken on Board.

CRM stands disposed of.

CRA-D-1537-DB-2013 & CRA-S-3527-SB-2013 (O&M)

Accordingly, keeping in view the above and the provisions of Section 320(8) Cr.P.C., accused in CRA-S-3527-SB-2013 are acquitted of

the offences and the judgment dated 03.10.2013 passed by the Additional Sessions Judge, Fazilka is set aside.

The appeal filed by the complainant bearing CRA-D-1537-DB-2013 is dismissed as not pressed in view of the matter having been settled.

(G.S. SANDHAWALIA)
JUDGE

09.02.2023
Sailesh

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No