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CRM-28577-2023 in/and
CRA-S-1617-SB-2011 (O&M)

2023:PHHC:145932

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-28577-2023 in/and
CRA-S-1617-SB-2011 (O&M)
Date of decision: 07.11.2023

Arun

....Appellant.

Versus

State of Haryana and another

....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Naresh Kaushik, Advocate,
for Mr. T.P.S. Bhatti, Advocate,
for the appellant.

Mr. Surender Singh, AAG, Haryana.

Mr. K.S. Dhanora, Advocate,
for respondent No. 2.

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SANJIV BERRY, J. (ORAL)

CRM-28577-2023

This is an application filed under Section 482 Cr.P.C for quashing of judgment dated 25.05.2011 and conviction order dated 26.05.2011 passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, in the main appeal i.e. CRA-1617-SB-2011, on the basis of compromise dated 14.06.2023 (Annexure P-1) effected between the parties.

2. It transpires that main appeal was admitted vide order dated 20.06.2011 passed by this Court. Hence, the main appeal is taken up on Board today.

3. Disposed of accordingly.

CRA-1617-SB-2011

Instant appeal has been directed against the judgment of conviction and order of sentence dated 26.05.2011 passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri in case FIR No. 62 dated 02.02.2011 under Sections 307 and 34 IPC, registered at Police Station City Jagadhri, whereby the applicant-appellant had been convicted and sentenced as under: -

Name of the convict	Convicted under Section	Sentence Imposed	In default of payment of fine.
Arun	324, 34 IPC	RI for two years with a fine of Rs. 2500/-	Simple Imprisonment of three months

2. As per the prosecution story, On 02.02.2011, SI Om Parkash, who was on duty near Dispensary Sector 17, HUDA, Jagadhri, received a telephonic message from SI Balwant Singh, due to some quarrel taken place between some inmates at *bakshikhana* (judicial lockup), one Rinku was admitted in Civil Hospital, Jagadhri. After about 1-1/2 years ago, accused Naveen and said Rinku were confined in District Jail Kurukshetra

and again on a dispute/quarrel taken place on some matter, Naveen and Arun-present appellant started abusing Rinku and gave a *blade blow* to Rinku with the intention to kill him. Naveen and Arun again with the intention to kill Rinku, while giving another blow by Naveen, he was caught hold by the complainant and Vinod Kumar. On the basis of this statement, present case was registered and investigation conducted. Both the accused, namely Arun and Naveen got arrested.

3. Faced with the situation, learned trial Court, after considering all relevant facts and circumstances of the case held the appellant-Arun as well as Naveen, guilty for the commission of offence punishable under Sections 324 read with Section 34 IPC. However, They were acquitted of the charge under Section 307 read with Section 34 IPC.

4. Learned counsel for the appellant contends that now the appellant as well as respondent No. 2 has compromised the matter.

5. A perusal of the file transpires that vide order dated 20.07.2023, parties were directed to record their statements before the concerned Trial Court/Illaq Magistrate/Duty Magistrate on or before 31.07.2023.

6. Learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, vide report dated 02.08.2023 has apprised this Court that with the intervention of the respectables, on 29.07.2023 both parties, i.e. the accused/convict Arun and injured/victim Rinku @ Mota @ Rajesh Kumar,

had appeared in Court and got recorded their statements in respect of the aforesaid FIR in question. The said compromise is voluntary, without any fear, undue influence, pressure or threat. It is also reported that the complainant, namely Atul has expired on 13.02.2021 and copy of his death certificate is enclosed as Ex.C-1 as well.

7. Requisite information sought for with respect to recording of statement vide order dated 20.07.2023, passed by this Court is as under: -

“ Present application has been filed for quashing of the judgment dated 25.05.2011 and conviction order dated 26.05.2011 passed by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri on the basis of compromise dated 14.06.2023 (Annexure P-1).

Counsel appearing for the appellant as well as respondent No.2 submit that they have compromised the matter.

Given above, the appellant(s), complainant and all other victim(s), if not arraigned as respondents, to appear before the concerned Trial Court/Illaq Magistrate/Duty Magistrate on or before 31.07.2023, for getting their statements recorded about the compromise arrived at between them. Before recording their statements, the Ld. Judge should ensure the following aspects and send the copies of the statements and the report in the following format, preferably before the next date fixed in this court:

<i>Name of the reporting Court</i>	Rajinder Pal Singh, Additional District & Sessions, Judge, Yamuna Nagar at Jagadhri, UID No. HR-01150
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FIR No.	Dated	Police Station	Section
62	02.02.2011	City Jagadhri	307/34 IPC

<i>Criminal Case No. before trial Court</i>	Sessions Case No. 54 of 2011: Date of Institution: 11.03.2011
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1.	<i>Names of the complainant/ victims(s)/ aggrieved persons(s)</i>	1. Atul @ Kida son of Vinod, resident of Ashok Vihar, Jagadhri, Police Station, City Jagadhri, District Yamuna Nagar (Complainant) 2. Rinku @ Mota @ Rajesh Kumar, aged 34 years, son of Ram Parshad, resident of House No. 214, Ashok Vihar, Jagadhri, Tehsil Jagadhri, District Yamuna Nagar (injured/Victim)
2.	<i>Dates on which the statement(s) of the complainant/ victims(s)/aggrieved persons(s) were recorded</i>	Statement of injured/victim Rinku @ Mota @ Rajesh Kumar was recorded as PW12 on 20.05.2011. Statement of complainant Atul @ Kida was recorded as PW 13 on 20.05.2011
3.	<i>Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?</i>	No
4.	<i>Whether all the victims/ all the aggrieved persons have compromised the matter?</i>	No. Complainant Atul @ Kida has since expired on 13.02.2021 as per copy of death certificate is Ex. C1 whereas in view of statements of accused/victim Arun and injured/victim Rinku@ Mota @ Rajesh Kumar recorded on 29.07.2023, they are not known whereabouts of co-accused-Naveen. The matter has been compromised between accused/convict Arun and victim/injured Rinku @ Mota @ Rajesh Kumar
5.	<i>Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?</i>	No. I myself asked both the parties in open Court whether they have entered a compromise voluntarily without any pressure, undue influence or threat from any corner, to which they answered in affirmative. Statements were made by them in the Court voluntarily.
6.	<i>Names of the</i>	1. Arun, aged 36 years son of

	<i>accused person(s)</i>	Balwant, resident of Village Gundiana, Police Station, Radaur, District Yamuna Nagar. 2. Naveen Kumar son of Raj Kumar, resident of Village Kavehri, Police Station Kunjpura, District Karnal.
7.	<i>Dates on which the statement(s) of the accused persons(s) recorded</i>	<i>On 21.05.2011, statements of accused under Section 313 Cr.PC were recorded but statements of accused for compromise has been recorded on 29.07.2023.</i>
8.	<i>Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.</i>	No. Only accused/convict Arun has compromised the matter with victum/injured Rinku @ Mota @ Rajesh Kumar
9.	<i>Whether proclamation proceedings are pending against any accused?</i>	No
10.	<i>Has the police report been filed or not?</i>	Yes
11.	<i>Notice of accusation /Charges have been framed or not?</i>	Yes
12.	<i>Sections of statutes invoked in the matter</i>	<i>Charges of Section 307 read with Section 34 IPC were framed against accused but they were acquitted under this Section and convicted and sentenced under Section 324 read with Section 34 of IPC</i>
13.	<i>Whether the court is satisfied with the genuineness of the compromise?</i>	Yes

There would be no need for a certified copy of this order, and any Advocate for the appellants/State can download this order and other particulars as may be required, from the official web page of this Court, and attest it to be a true copy. The concerned court

can also verify its authenticity and may download and use the downloaded copy for immediate use, if required.

List on 10.08.2023.”

8. Learned State counsel as well as respondent No. 2 do not oppose the said compromise effected between the parties.

9. In view of the submissions made by learned counsel for the parties and the fact that since the matter has been compromised between the parties, no purpose would be served by keeping this petition pending. Hence, the order passed by learned Additional Sessions Judge, Yamuna Nagar, at Jagadhri, is hereby set aside and the petitioner is acquitted from the charges levelled against him.

9. Petition stands allowed.

10. Pending miscellaneous application, if any also stand disposed of.

(SANJIV BERRY)
JUDGE

07.11.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |