

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

**CRM No.30655 of 2022 in/and
CRA-S-1156-SB-2014 (O&M)
Date of Decision: 01.09.2023**

Baldev Raj and others

...Appellants

Versus

State of Punjab and another

...Respondents

2. **CRM No.34388 of 2022 in/and CRR No.4118 of 2014 (O&M)**

Sukhjinder Singh @ Ladda

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Raj Kumar Arya, Advocate
for the appellants in CRA-S-1156-SB-2014 and
for the petitioner in CRR No.4118 of 2014.

Ms. Ishma Randhawa, Addl. Advocate General, Punjab.

Ms. Sukhveer Kaur, Advocate
for respondent No.2 in CRA-S-1156-SB-2014 and
for respondents No.2 & 3 in CRR No.4118 of 2014.

HARPREET SINGH BRAR, J. (Oral)

1. By this common judgment, this Court shall dispose of a criminal appeal bearing CRA-S No.1156-SB-2014 and a revision petition bearing CRR No.4118 of 2014 as both of them involve a common issue to be decided by this Court based on similar facts. Vide order dated 18.10.2022 passed by this Court, the revision petition was ordered to be heard along with the criminal appeal, as FIRs in both the cases were lodged at the instance of complainant-Kulwant Singh and the compromise has arrived between the same parties.

2. The appellants in CRA-S No.1156-SB of 2014 moved an application under Section 482 Cr.P.C. seeking permission of this Court for compounding of the offences on the basis of compromise arrived between the parties and setting aside the impugned judgment of conviction dated 12.02.2014 and order of sentence dated 18.02.2014 passed by the learned Additional Sessions Judge, Ferozepur whereby they were convicted in FIR No.167 dated 12.11.2009 registered under Sections 148, 307, 326 read with Section 149 IPC, and Sections 323 and 324 IPC at Police Station Zira and were ordered to undergo following sentence:-

Name of the appellants	Sentenced to undergo RI (each)	Fine	Section (in ₹)	In default of payment of fine sentenced to
(i) Baldev Raj,	7 Years	5000/-	307 IPC	6 months
(ii) Gurbhej Singh	2 years	1000/-	324 IPC	2 months
@ Bheja,	3 years	2000/-	326 IPC	3 months
(iii) Sukhjinder	6 months	200/-	323 IPC	15 days
Singh	1 year	1000/-	148 IPC	1 month
(iv) Devi Lal				

All the substantive sentences of imprisonment were ordered to be run concurrently.

3. The petitioner-Sukhjinder Singh @ Ladda in Crl. Revision No.4118 of 2014 has also filed an application under Section 482 Cr.P.C. seeking permission of this Court for compounding of the offences on the basis of compromise arrived between the parties and setting aside the impugned judgment of conviction and order of sentence dated 01.12.2011 passed by the learned Sub Divisional Judicial Magistrate, Zira in FIR No.163 dated 09.11.2009 registered under Sections 324, 148, 149 IPC at Police Station Zira whereby he was convicted under Section 324, 148 IPC and sentenced to undergo rigorous imprisonment for 2 years with fine of Rs.500/- and in default of payment of fine to undergo further rigorous imprisonment for 7 days as well as the judgment dated 17.10.2014 passed by the learned Additional Sessions Judge, Ferozepur whereby the appeal preferred by

the petitioner herein along with other co-convicts against the judgment of conviction and order of sentence dated 01.12.2011 passed by the learned Sub Divisional Judicial Magistrate, Zira was dismissed qua him and while acquitting him of the charge under Section 148 IPC, his conviction under Section 324 IPC was upheld.

FACTUAL BACKGROUND

CRA-S No.1156-SB of 2014

4. In brief, the case of the prosecution is that on 07.11.2009, a dispute arose between the complainant-Kulwant Singh and Balwant Singh son of Hazara Singh, resident of village Behak Gujjar wherein he received injuries at the hands of Balwant Singh and his associates. Owing to injuries suffered by Kulwant Singh, he was admitted to the hospital. On 10.11.2009 at about 7 AM, Balwant Singh son of Hazara Singh armed with *kirpan*, Sukhjinder Singh @ Ladda son of Balwant Singh armed with *kapa*, Daljit Singh son of Balwant Singh armed with *kapa*, Virsa Singh son of Ajaib Singh armed with *kapa*, Gurbhej Singh son of Nishan Singh armed with *gandasi*, Baldev Raj son of Inder Dass armed with *kirpan*, Devi Lal son of Baldev Raj armed with *kapa*, Kashmir Singh @ Sheera son of Thakar Singh armed with *kapa*, Sohan son of Fazir Chand armed with *gandasi* and Sarabjit @ Sunny son of Sohan armed with *gandasi*, all residents of Behak Gujjar, forcibly entered the ward of the hospital where the complainant-injured was admitted. Balwant Singh raised *lalkara* against the complainant to teach him a lesson and Sukhjinder Singh @ Ladda gave a *kapa* blow on upper portion of his right eye with an intention to kill him. Daljit Singh gave *kapa* blow on his forehead and Sukhjinder Singh @ Ladda gave another *kapa* blow which hit in the middle of the back of his head. Sohan gave *gandasi* blow on his left elbow, Daljit Singh gave *kapa* blow on his elbow, Sarabjit @ Sunny gave

gandasi blow on back side of his left elbow, Devi Lal gave *kapa* blow hitting on his left elbow, Gurbhej Singh gave *gandasi* blows hitting on the back of his left elbow and left wrist. Sarabjit Singh gave *gandasi* blow on right leg near knee of the complainant and Virsa Singh gave *kapa* blow hitting on his right hand. The complainant raised hue and cry upon which his father Amar Singh and his friend Balwant Singh along with official of the hospital came running to the spot and on seeing them, accused persons fled away from the hospital along with their respective weapons. After giving first aid to the complainant-injured, he was referred to Guru Gobind Singh Medical College and Hospital, Faridkot.

4.1. On 11.11.2009, ASI Devinder Kumar after obtaining MLR of injured/complainant Kulwant Singh from Police Station Kotwali, Faridkot reached Guru Gobind Singh Medical College and Hospital, Faridkot along with other police officials to get the statement of the complainant recorded but the same could not be done as the complainant was not fit to give a statement. On 12.11.2009, statement of the complainant was recorded by ASI Devinder Singh on the basis of which an FIR under Sections 324, 323, 148, 149 IPC was registered against accused persons and further investigation was carried out. On receipt of X-ray report, offence under Section 326 IPC was also added. The accused persons were arrested and on the basis of their disclosure statements, weapons used for committing the offence were recovered. After obtaining the opinion of the doctor with regard to nature of injuries offence under Section 307 IPC was also added as the injuries suffered by the complainant were collectively declared to be dangerous to life. During the course of investigation, accused Virsa Singh was found innocent and Daljit Singh was found to be a minor. After completion of the investigation, challan against accused persons except Daljit

Singh was presented in the Court of Sub Divisional Judicial Magistrate, Zira and challan against Daljit Singh was presented before the Juvenile Justice Board.

4.2. After completion of formalities, as per Section 207 Cr.P.C., the accused persons were supplied with copies of documents as relied upon by the prosecution.

4.3. As the offence punishable under Section 307 IPC is exclusively triable by the Court of Sessions, case against the accused was committed to the Court of learned Sessions Judge, Ferozepur. The accused were charged under Sections 148, 307, 326 read with Section 149 IPC as well as under Sections 324 and 323 IPC to which they pleaded not guilty and claimed trial.

4.4. In support of its case, the prosecution examined as many as six witnesses and closed its evidence.

4.5. On closure of evidence by the prosecution, all the incriminating circumstances were put to the accused under Section 313 Cr.P.C, who denied all the allegations, claimed innocence and examined three witnesses in their defence.

4.6. The trial Court convicted and sentenced the appellants as stated above.

CRR No.4118 of 2014

5. In brief the case of the prosecution is that on 8.11.2009, A.S.I Davinder Kumar, Incharge Police Post Behak Pachharian received telephonic message from Police Station Zira that one Kulwant Singh son of Amar Singh was admitted to Civil Hospital, Zira, owing to injuries suffered by him. He received MLR from Police Station Zira, with regard to injured Kulwant Singh and went to the hospital along with other police officials. Kulwant Singh-injured being declared fit to make a statement, ASI Devinder Kumar recorded his statement wherein he submitted that on 7.11.2009 at about 6.00 P.M, he along with Angrej Singh was going to his house on motorcycle and when they reached near the gate of his

house, Sukhjinder Singh alias Ladda armed with *kapa*, Daljit Singh armed with *kirpan*, Balwant Singh alias Maak, Nishan Singh, Gurbhej Singh, Sohan Singh armed with *dangs*, Sarabjit Singh holding baseball bat and Baldev Raj armed with *dang* encircled them. Balwant Singh alias Maak raised *lalkara* to catch the complainant and Sukhjinder Singh alias Ladda gave his *kapa* blow to the complainant which hit his left elbow below the wrist joint. Balwant Singh caught hold of the complainant from his neck and pulled him down to the ground from motorcycle. Daljit caught hold of Angrej Singh and threw him on the ground. They gave beatings to both, the complainant and Angrej Singh. They raised hue and cry and on hearing the same, Amar Singh father of the complainant and Jaswant Singh, brother of complainant came out of their house. On seeing them, the accused persons fled away from the spot with their respective weapons while raising *lalkaras*. Pipal Singh was the eye witness of the whole incident. Angrej Singh got the complainant admitted to the Civil Hospital, Zira. On earlier occasion also, the accused persons had caused injuries to the complainant at Makkhu. Statement of complainant was recorded by the Investigating Officer contents of which were read over and explained to the complainant, who after admitting the same as to be true and correct appended his signatures over the statement in Punjabi. During the investigation accused-Daljit Singh was found to be a minor. The remaining accused were arrested. After completion of investigation, challan was presented against the accused persons.

5.1. Copies of report under section 173 Cr.P.C. & documents annexed to it as envisaged, were supplied to the accused at free of costs.

5.2 Finding prima facie case against the accused, they were chargesheeted under Sections 324/148/149 IPC to which they pleaded not guilty and claimed trial.

Prosecution was put to prove its case.

5.3 During proceedings, accused Sohan Singh was reported to have passed away and proceedings qua him were dropped.

5.4 In order to prove its case, prosecution has examined as many as 8 witnesses and closed its evidence.

5.5 On closure of evidence by the prosecution, all the incriminating circumstances were put to the accused under Section 313 Cr.P.C, who denied all the allegations and claimed innocence but examined no witness in their defence.

5.6. The trial Court after hearing arguments raised by both sides and having perused the evidence led, has convicted and sentenced the petitioner as stated above. The appeal preferred by the petitioner herein against the judgment of conviction passed by the trial Court has also been dismissed.

CONTENTIONS

6. Learned counsel for the appellants/petitioner submits that the instant appeal and revision petition were admitted vide this Court's orders dated 13.03.2014 and 21.01.2015 respectively. The sentence of the appellants was suspended vide order dated 21.01.2015 passed by this Court and the petitioner-Sukhjinder Singh in the revision petition was ordered to be released on bail vide order dated 22.12.2014 passed by this Court. He further submits that during the pendency of the appeal as well as the revision petition, a compromise has been effected between the complainant and the appellants/petitioner herein with the intervention of the respectable persons of the area and the complainant has no objection if the appellants/petitioner herein are acquitted or the sentence imposed upon them is reduced to the sentence already undergone by them. Further, he has submitted that the parties to the dispute are of the same village and since the alleged incident took place in the year 2009, no such conflict has occurred between them and now they are living in peace and harmony. It is in this background that the

applications under Section 482 Cr.P.C. have been moved by the appellants/petitioner for compounding of the offences on the basis of compromise arrived at between the parties vide compromise deed dated 05.05.2020, which has been attached as Annexure A-1 along with the said applications. The complainant-Kulwant Singh has also been impleaded as a party to the criminal appeal/revision vide orders dated 18.10.2022 passed in CRM No.38665 of 2022 in CRA-S-1156-SB-2014 and CRM No.38504 of 2022 in CRR-4118-2014 respectively. Therefore, the learned counsel for the appellants/petitioner has restricted his argument to the extent that the sentence imposed upon the appellants/petitioner by the learned trial Court may be reduced to the period already undergone by them. In support of his contention, he relies upon the judgment passed by the Hon'ble Supreme Court in ***Ramgopal and another Vs. State of Madhya Pradesh 2021 (4) RCR (Criminal) 322.***

7. Learned counsel appearing for respondent No.2-complainant submits that the compromise has been effected between the parties without any undue pressure or coercion and the complainant has no objection in case the appellants herein are acquitted or the sentence imposed upon them is reduced to the sentence already undergone by them.

8. Learned State counsel has not controverted to the factum of compromise arrived at between the parties but raised objection to the prayer made by the appellant for compounding of offences while arguing that the offence committed by the appellants invokes Section 307 IPC, which is non-compoundable in nature.

ANALYSIS AND OBSERVATION

9. This Court has heard learned counsel for the parties and has gone through the records with their able assistance.

10. Undisputedly, all the appellants herein were convicted under Sections 307, 324, 326, 323 and 148 IPC vide judgment dated 12.02.2014 whereas the petitioner has also been convicted under Section 324 IPC vide judgment dated 17.10.2014. It is also not in dispute that offences committed under Sections 307, 326 and 324 are non-compoundable. However, in numerous pronouncements of the Hon'ble Supreme Court as well as of various High Courts including this Court, it has been held that High Court has the inherent power to quash the criminal proceedings, even in those cases when offences committed are not compoundable, where parties have buried the hatchet and decided to live a life in peace and harmony, however, with a caveat to exercise the said power sparingly and cautiously. The power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code of Criminal Procedure, 1973. The inherent power vested in the High Court has to be exercised with caution in order to secure the ends of justice and prevent abuse of the process of any court. The cases where such power to quash the criminal proceeding or complaint or FIR may be exercised after the offender and victim have settled their dispute, would depend on facts and circumstances of each case but this power is certainly not to be exercised for the offences under the special statutes like the Prevention of Corruption Act or the heinous and in cases of serious offences like murder, rape, dacoity etc. which have a serious impact on the society at large.

11. A three Judge Bench of Hon'ble Supreme Court in ***Gian Singh Vs. State of Punjab (2012) 10 SCC 303*** speaking through Justice R.M. Lodha has held as under:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding

or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

A two Judge Bench of Hon’ble Supreme Court in **Ramgopal’s case** (supra), speaking through Justice Surya Kant, has held that non-compoundable criminal cases of predominantly private nature can be quashed under Section 482 Cr.P.C. even if compromise is reached after conviction. The relevant parts of the said judgment are reproduced as under:-

“19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences ‘compoundable’ within the statutory framework, the extra-ordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.

20. Having appraised the afore-stated para-meters and weighing upon the peculiar facts and circumstances of the two appeals before us, we are inclined to invoke powers under Article 142 and quash the criminal proceedings and consequently set aside the conviction in both the appeals. We say so for the reasons that:

Firstly, the occurrence(s) involved in these appeals can be categorized as purely personal or having overtones of criminal proceedings of private nature;

Secondly, the nature of injuries incurred, for which the Appellants have been convicted, do not appear to exhibit their mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest;

Thirdly, given the nature of the offence and injuries, it is immaterial that the trial against the Appellants had been concluded or their appeal(s) against conviction stand dismissed;

Fourthly, the parties on their own volition, without any coercion or compulsion, willingly and voluntarily have buried their differences and wish to accord a quietus to their dispute(s);

Fifthly, the occurrence(s) in both the cases took place way back in the years 2000 and 1995, respectively. There is nothing on record to evince that either before or after the purported compromise, any untoward incident transpired between the parties;

Sixthly, since the Appellants and the complainant(s) are residents of the same village(s) and/or work in close vicinity, the quashing of criminal proceedings will advance peace, harmony, and fellowship amongst the parties who have decided to forget and forgive any ill-will and have no vengeance against each other; and

Seventhly, the cause of administration of criminal justice system would remain un-effected on acceptance of the amicable settlement between the parties and/or resultant acquittal of the Appellants; more so looking at their present age.”

12. A larger bench of five judges of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another 2007 (3) RCR (Criminal) 1052*** speaking through Justice Vijender Jain, CJ has held as under:-

“27. The power to do complete justice is the very essence of every judicial justice dispensation system. It cannot be diluted by distorted perceptions and is not a slave to anything, except to the caution and circumspection, the standards of which the Court sets before it, in exercise of such plenary

and unfettered power inherently vested in it while donning the cloak of compassion to achieve the ends of justice. No embargo, be in the shape of Section 320(9) of the Criminal Procedure Code, or any other such curtailment, can whittle down the power under Section 482 of the Criminal Procedure Code.

28.. 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". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Criminal Procedure Code in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.

29. The only inevitable conclusion from the above discussion is that there is no statutory bar under the Criminal Procedure Code which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

30. The power under Section 482 of the Criminal Procedure Code is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace,

harmony and ever-lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.”

13. A two Judge Bench of the Hon’ble Supreme Court in ***Ishwar Singh v. State of M.P., (2008) 15 SCC 667*** speaking through Justice C.K. Thakker has held as under:-

“12. Now, it cannot be gainsaid that an offence punishable under Section 307 IPC is not a compoundable offence. Section 320 of the Code of Criminal Procedure, 1973 expressly states that no offence shall be compounded if it is not compoundable under the Code. At the same time, however, while dealing with such matters, this Court may take into account a relevant and important consideration about compromise between the parties for the purpose of reduction of sentence.

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17. For the foregoing reasons, the appeal deserves to be partly allowed and is accordingly allowed by maintaining the conviction recorded by the trial court and confirmed by the appellate court but by reducing the sentence already undergone by the appellant. The sentence of payment of fine is not disturbed. If the appellant has not paid the amount of fine, he will pay such amount within four weeks from today.”

In ***Jetha Ram and others Vs. State of Rajasthan (2006) 9 SCC 255***, a two Judge Bench of the Hon’ble Supreme Court while taking into account the factum of compromise arrived at between the parties, reduced the sentence imposed on the appellant-accused to that already undergone, though the offences were not compoundable. Similarly, in judgments rendered by two Judge Benches of the Hon’ble Supreme Court in ***Badrilal Vs. State of Madhya Pradesh (2005) 7 SCC 55*** and ***Pappu and others Vs. State of Punjab 2000 AIR (SC) 3633***, it has been

held that in case of conviction under Section 307/34 IPC, sentence can be reduced to the period already undergone on the basis of compromise.

14. In the present case, there was an old enmity between the complainant and the accused persons. On 07.11.2009, an FIR bearing No.163 dated 09.11.2009 was registered against the appellants herein and others under Sections 324, 148, 149 IPC at Police Station Zira at the instance of the complainant alleging that the appellants caused injuries to the complainant and therefore, in order to settle their score with the complainant, appellants caused injuries to the complainant when he was admitted in the hospital. Resultantly, another FIR No.167 dated 12.11.2009 came to be registered. There were total 23 injuries on the person of the complainant out of which injuries No.4, 9, 10, 13, 21 and 22 were collectively declared to be dangerous to life whereas injuries No.1, 2, 3, 5 to 8, 11 to 20 were simple in nature.

15. As per the custody certificates produced by the learned State counsel the crl. appeal, the actual sentence undergone by the appellants is tabulated as under:-

Name of the appellant	Actual Period undergone
Baldev Raj	1 year 10 months 21 days
Gurbhej Singh @ Bheja	1 year 08 months 20 days
Sukhjinder Singh @ Ladda	1 Year 4 months 19 days
Devi Lal	1 year 06 months 17 days

As per the custody certificate produced by the learned State counsel in the revision petition, the petitioner-Sukhjinder Singh has undergone an actual period of 4 months 05 days out of total sentence of two years imposed upon him.

16. During the pendency of the instant appeal, a compromise has been effected between the complainant and the accused persons, being residents of the same village, wherein it has been stated that the FIR in question was lodged on account of a sudden dispute arose between both the parties and the complainant has no objection in case the appellants/petitioner herein are acquitted or their sentence is

reduced to the sentence already undergone by them. It has also been stated therein that the compromise has been reduced into writing with the consent of both the parties and without any undue pressure or coercion. Both the parties are residents of the same village and the incident was occurred way back in the year 2009 and after their conviction, no untoward incident transpired between them, therefore, keeping in view the fact that a compromise has been arrived at between the parties in order to make an endeavour to bury the hatchet and maintain peace, harmony and brotherhood amongst themselves, ends of justice would be served if the sentence of the appellants/petitioner is reduced to the period already undergone by them.

CONCLUSION

17. In view of the aforesaid facts and circumstances and keeping in view the limited prayer made by the counsel appearing for the appellants/petitioner qua modification of the orders of sentence to the extent of sentence already undergone by the appellants/petitioner, the applications moved in the criminal appeal as well as in the criminal revision petition by the applicants/petitioner under Section 482 Cr.P.C. seeking compounding of offences are allowed. The judgments of conviction dated 12.02.2014 passed by the Additional Sessions Judge, Ferozepur and 01.12.2011 passed by the Sub Divisional Judicial Magistrate, Zira, which has been upheld by the Additional Sessions Judge, Ferozepur vide judgment dated 17.10.2014 are hereby upheld and orders of sentence dated 18.02.2014 and 01.12.2011 are modified to the extent that the sentence awarded by the trial Court to the appellants/petitioner herein is reduced to the period already undergone by them. However, the sentence qua fine is upheld. The fine shall be deposited within a period of two months before the trial Court, failing which the appeal as

well as the revision petition shall be deemed to be dismissed without any further orders.

18. Consequently, both the appeal and the revision petition are disposed of in above terms.

19. Bail bonds and surety bonds of the appellants/petitioner, if any, stand discharged.

20. Pending miscellaneous application(s), if any, shall also stand disposed of.

21. The case property, if any, may be dealt with as per rules after expiry of period of limitation for filing the appeal(s). Record of the case be sent back to the Court below.

(HARPREET SINGH BRAR)
JUDGE

September 01, 2023
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	Yes