

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

CRA-S-3588-SB-2013

Date of Decision : 24.02.2023

Ram Parvesh and another

..... Appellants

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Ashok Arora, Advocate
for the appellants.

Ms. Kirti Singh, Deputy Advocate General, Haryana
for the respondent-State.

Mr. Kuldeep Sheoran, Advocate
for the complainant.

VIKRAM AGGARWAL, J (ORAL)

1. Custody certificates have been filed. Sh. Kuldeep Sheoran, Advocate has filed power of attorney on behalf of complainant. The same are taken on record. Registry is directed to place the said documents at an appropriate place on the case file.

2. In pursuance to the notice issued to complainant Ashish Kumar son of Sh. Pyare Lal, resident of Bir Babran, Hisar, he has appeared in the Court and has stated that he had arrived at a compromise with Ram Parvesh and Ishwar in FIR No.367 dated 06.04.2009, registered at Police Station Sadar Hisar. On a query put by the Court, he has stated that he abides by the compromise. He has been

identified by his counsel Mr. Kuldeep Sheoran, Advocate.

3. The FIR No.367 dated 06.04.2009 was registered at Police Station Sadar Hisar, under Sections 323, 324, 506, 34 IPC against Ishwar, Ram Parvesh, Birender and Ram Phal. Vide judgment of conviction dated 23.09.2013, passed by the learned Addl. Sessions Judge, Hisar, Ram Phal and Birender were acquitted whereas Ram Parvesh and Ishwar were convicted under Sections 323, 326 and 506 IPC read with Section 34 IPC. Vide order of sentence dated 25.09.2013, they were sentenced to undergo rigorous imprisonment for 06 months and to pay a fine of Rs.1,000/- each and in default thereof to further undergo rigorous imprisonment for a period of 07 days each under Section 323 IPC; rigorous imprisonment for 02 years and to pay a fine of Rs.2,000/- each and in default thereof to further undergo imprisonment for a period of 15 days each under Section 326 IPC and rigorous imprisonment for 06 months and to pay a fine of Rs.500/- each and in default thereof to further undergo imprisonment for a period of 02 days each under Section 506 IPC.

4. There was a cross version also and the complainant had been booked and subsequently convicted under Section 307 IPC.

5. The parties arrived at a compromise and on the basis of the same, vide order dated 06.12.2013, passed in Criminal Appeal No.S-3802-SB of 2013, titled as Ashish and another vs. State of Haryana, the conviction of the appellants therein was maintained but sentence was reduced to the period already undergone by them.

6. In the present case, the statement of the complainant Ashish had been recorded before the Daily Lok Adalat on 29.10.2015 in which he had duly stated

that a compromise had been arrived at between the parties.

7. Today also, the complainant has reiterated the said fact, as noticed above.

8. In the case of **Sube Singh and another vs. State of Haryana and another 2014 (2) Crimes 299 : 2013 (4) R.C.R. (Criminal) 102** a Division Bench of this Court held that where offences are private in nature and not against the whole society, the High Court would have the power to compound the offences and quash the criminal proceedings at any stage to secure the ends of justice.

9. In the case of **Ramgopal and another vs. State of Madhya Pradesh 2021 (11) Scale 555 : 2021 (4) R.C.R. (Criminal) 322**, the Hon'ble Supreme Court of India held that non-compoundable criminal cases which are pre-dominantly of private nature can be quashed under Section 482 Cr.P.C. even if compromise is reached after conviction.

10. In so far as the present case is concerned, it was a fight between the parties at the spur of the moment. None of the parties has any criminal background. The offences were also of private nature. Though complainant Ashish Kumar was convicted under Section 307 IPC and the present appellants were convicted under Sections 323, 326 and 506 IPC, however, at the same time, it has to be borne in mind that the offences were not affecting the society at large.

11. Keeping in view the fact that the parties had arrived at a compromise long time ago and are still abiding by the same and further that even thereafter no untoward incident amongst the parties has been reported, this Court is of the considered opinion that no useful purpose would be served by not accepting the compromise arrived at between the parties.

12. In view of the aforementioned facts and circumstances, the conviction

of the appellants under Sections 323, 326 and 506 IPC is maintained. However, sentence qua imprisonment is reduced to the period already undergone by them as depicted in the custody certificates placed on record today.

13. With the aforesaid modification, the appeal stands disposed of.

24.02.2023
mamta

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No