

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

CRR-181-2021  
Decided on : 16.02.2023

Shakti Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present :     Mr. Narender Kaajla, Advocate  
                     for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Gurmail Singh Duhan, Advocate  
for respondent No.2.

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**Manjari Nehru Kaul, J.(Oral)**

The instant petition has been preferred against the judgment of conviction and order of sentence dated 22/28.03.2016 passed by JMIC, Hisar vide which the petitioner was convicted under Section 420 IPC and sentenced to undergo simple imprisonment for a period of two years along with fine of Rs.5,000/-. In default of payment of fine, petitioner was further directed to undergo simple imprisonment for one month.

Learned counsel for the petitioner submits that the amount involved in the present case was only Rs.65,000/- and subsequent to the dismissal of petitioner's appeal against conviction by the Appellate Court, with the intervention of respectables, the parties have amicably settled the matter and entered into a compromise, which stands reflected in the

affidavit dated 18.02.2021 (Annexure P-2) duly sworn by the complainant-respondent No.2. Learned counsel, thus, prays that in these circumstances, the conviction of the petitioner be set aside and he be acquitted. In support of his submissions, learned counsel has placed reliance upon the judgment of Hon'ble Supreme Court in *Neeraj Gupta and others vs. State of Uttarakhand and another in Criminal Appeal Nos.124-125 of 2019 (decided on 18.01.2019)*.

Learned counsel appearing for respondent No.2 does not dispute the submissions made by the counsel opposite qua the parties have compromised the matter. Learned counsel on further instructions does not oppose the prayer made by counsel opposite to set aside the conviction of petitioner and acquit him.

Heard learned counsel for the parties and perused the relevant material available on record.

The petitioner was convicted for an offence under Section 420 IPC and was sentenced to undergo simple imprisonment for a period of two years and also directed to pay a fine of Rs.5,000/-. The offence under Section 420 IPC is essentially private in nature and the same can be compounded under the provisions of Section 320 Cr.PC. Further, in the present case the parties have amicably settled their dispute as is evident from the affidavit (Annexure P-2).

In the above-mentioned facts and circumstances, this Court is of the considered opinion that continuation of prosecution will not serve any fruitful purpose whatsoever, more so, when the parties have voluntarily

settled all their disputes amicably. Accordingly, the revision petition is allowed and the judgment dated 27.01.2021 passed by the Additional Sessions Judge, Hisar and the judgment of conviction and order of sentence dated 22/28.03.2016 passed by the Judicial Magistrate, 1st Class, Hisar are hereby set aside and petitioner is acquitted of the charges framed against him.

(MANJARI NEHRU KAUL)  
JUDGE

16.02.2023  
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| Whether speaking/reasoned: | Yes/No |
| Whether reportable :       | Yes/No |