

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

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CRR-194-2017(O&M)
Date of decision : 28.07.2023

Ajit

.....Petitioner

Versus

State of Haryana and another

..... Respondents

CRR-261-2017(O&M)

Sandeep

.....Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Amandeep Rana, Advocate for the petitioners

Mr.Dhruv Sihag, AAG, Haryana

Mr.Yugank Goyal, Advocate for respondent No.2

AMAN CHAUDHARY, J.

1. The present revision petitions have been filed challenging judgment dated 05.12.2016 passed by learned Additional Sessions Judge, Gurgaon, whereby the petitioners were convicted and sentenced to undergo simple imprisonment for 6 months and to pay fine of Rs.500/- each and in default, the defaulter shall further undergo simple imprisonment for 15 days, for the offence punishable under Section 323 IPC and further sentenced to undergo rigorous imprisonment for 1½ year and to pay fine of Rs.500/- each and in default, the defaulter shall further undergo simple imprisonment for 45 days, for the offence punishable under Section 324 IPC.

2. The facts in brief are that one Brij Mohan made a complaint stating therein that on 25.07.2011, around 8 pm, he met accused-Ajit near Dharamshala at village Rampur and told him to return Rs.500/- taken by him. On this, he went to his house and asked the complainant to wait there. After some time, he came and called the complainant to come out of Dharamshala. When he came out, he found with him, accused Sandeep. They both abused the complainant and accused-Ajit gave knife blows on his head, back, neck, left wrist and Sandeep gave leg kicks and fist blows. On raising noise, his father and his friend Tinku came there. The assailants fled. FIR under Sections 323, 324, 506, 34 IPC was registered against the accused-petitioners. After investigation, a final report under Section 173 CrPC was prepared and presented in the Court, on the basis of which charges were framed against them.

3. To prove its case, the prosecution examined five witnesses. After closure of prosecution evidence, statements of the accused were recorded under Section 313 Cr.P.C..

4. On scrutinizing the evidence led by the parties, the trial Court acquitted accused-Sandeep, whereas, accused-Ajit was convicted for the offence punishable under Sections 323 and 324 IPC but he was released on probation. Being aggrieved, complainant-respondent No.2 filed an appeal, which was allowed by learned Additional Sessions Judge vide judgment dated 05.12.2016 and petitioners were convicted and sentenced as noticed above.

5. Challenge to the aforesaid judgments and order has been made in the present revision petition.

6. Learned counsel for the petitioners submits that during the pendency of the present petition, the matter stands compromised between the parties. Thus, he prays for compounding the offence on the ground that the both the parties are residing in the same village and the incident is of the year 2011. He cites **Ramgopal vs. State of M.P.**, 2021 SCC OnLine SC 834, **Surat Singh vs. State of Uttaranchal (Now Uttarakhand)**, 2013 (1) RCR (Criminal) 1011.

7. Counsel appearing for the complainant-respondent No.2 has no objection with regard to the prayer made by the petitioners and has stated that a valid compromise has been effected between the parties and there remains no grievance.

8. Heard.

9. It is apparent that during pendency of the present revision petition, the parties have entered into compromise and have amicably settled the dispute. In Annexure P-1, a compromise deed dated 17.02.2023, it has been mentioned that now both the parties upon the intervention of the respectable persons of village and society and relatives all the doubts and misconceptions have been clarified and all the disputes have been resolved and amicable compromise arrived at before the Panchayat. The complainant-respondent No.2 has no objection if the conviction/ sentence order dated 05.12.2016 passed by Additional Sessions Judge, Gurugram has been set aside by the Court.

10. In **Mathura Singh vs. State of U.P.** 2009 (2) RCR (Criminal) 859, where the accused was convicted under Sections 323 and 324 IPC, the conviction was upheld by the High Court, the parties were related to each other and entered into compromise, the incident was 25 years old, Hon'ble

The Supreme Court had allowed the compounding of offence and set aside the conviction.

11. Hon'ble The Supreme Court in **Ramgopal** (supra) while acquitting the accused on the basis of the compromise arrived at between the parties had observed that, "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."

12. In **Y. Suresh Babu vs. State of A.P.**, 1987 (2) JT 361 Hon'ble The Supreme Court had held that, "We gave our anxious consideration to the case and also the plea put forward for seeking permission to compound the offence. After examining the nature of the case and the circumstances under which the offence was committed, it may be proper that the trial court shall permit them to compound the offence."

13. This Court, in **Kamal vs. Sunil Kumar**, CRR-1535-2021 dated 25.11.2021 observed and held that "as per Section 320(6) of the Cr.P.C, the

High Court or the Court of Sessions, as the case may be, even while exercising the powers of revision as envisaged under Section 401 of Cr.P.C can compound the offence.” Further, while compounding a non-compoundable offence after a compromise had been effected, this Court in **Sube Singh and another vs. State of Haryana and another**, 2013(4) RCR (Criminal) 102 had held that, “we are of the considered view that the negation of the compromise would disharmonize the relationship and cause a permanent rift amongst the family members who are living together as a joint family. Non-acceptance of the compromise would also lead to denial of complete justice which is the very essence of our justice delivery system. Since there is no statutory embargo against invoking of power under Section 482 CrPC after conviction of an accused by the trial Court and during pendency of appeal against such conviction, it appears to be a fit case to invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.”

14. Applying the ratio of the abovesaid judgment to the facts of the present case, the injuries inflicted on the victim are not of grave nature, caused in the heat of the moment; they have not been involved in any other case before or after such occurrence; the parties are co-villagers and residing in the immediate vicinity of each other, who have amicably resolved the dispute, which relates to the year 2011, thus, no useful purpose would be served by prolonging the matter and it will be in the larger interest of the village community in general and parties, in particular that the prayer for compounding the offence, is accepted. The judgment of conviction and order of sentence passed by the Courts below are set aside. As such, the present

revision petitions are disposed of. The bail bonds of the petitioners shall stand discharged forthwith.

15. Copy of the judgment be placed on the file of the connected case.

28.07.2023
gsv

(AMAN CHAUDHARY)
JUDGE

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