

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRA-S-71-2019 (O&M)
Date of Decision:-5.3.2024

Vikas Garg @ Jaggu ... Appellant

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bhupinder Ghai, Advocate for the appellant.

Mr. Vishavjeet Singh Virk, DAG, Punjab.

Mr. J.S. Toor, Addl.P.P., U.T., Chandigarh.

Mr. Mohit Kakkar, Advocate for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The appellant has filed the instant appeal so as to challenge judgment of conviction dated 10.12.2018 and order of sentence dated 15.12.2018 passed by learned Additional Sessions Judge, Chandigarh, whereby he has been sentenced as under:

Name of the Convict	Offence Under Section	Imprisonment	Fine	In default of payment of fine
Vikas Garg	307 IPC	RI for 10 years	Rs.50,000/-	RI for one year

2. The matter arises out of a dispute between husband i.e. Vikas Garg @ Jaggi and his wife i.e. Beenu Garg. Beenu Garg lodged FIR i.e. FIR No.03, dated 3.1.2012 at Police Station City Sangrur, under Section 307 of Indian Penal

Code, wherein Vikas Garg @ Jaggi (appellant) stands convicted vide order or sentence dated 15.12.2018 pursuant to judgment dated 10.12.2018 passed by learned Additional Sessions Judge, Chandigarh and has been sentenced as noticed above.

3. The husband i.e. Vikas Garg @ Jaggi (appellant) had also lodged FIR against her wife Beenu Garg and other members of her family i.e. FIR No.64, dated 30.3.2012 at Police Station City Sangrur, Punjab, under Sections 323, 325 of Indian Penal Code, wherein offences under Sections 452, 506, 34 and 201 of Indian Penal Code were added later on.
4. Subsequently, the matter was amicably resolved amongst the parties. Pursuant to the compromise/settlement arrived at between the parties, marriage between Vikas Garg @ Jaggi and Beenu Garg already stands dissolved by way of a decree of divorce by mutual consent.
5. While the appellant - Vikas Garg @ Jaggi challenged his conviction by way of filing the present appeal i.e. CRA-S-71-2019 before this Court, Beenu Garg and others filed the petition i.e. CRM-M-1325-2022 seeking quashing of FIR No.64, dated 30.3.2012 on the basis of compromise, which was allowed vide separate order of even date passed in CRM-M-1325-2022 and the FIR i.e. FIR No.64, dated 30.3.2012 lodged at the instance of appellant - Vikas Garg @ Jaggi stands quashed.
6. Vide order dated 17.10.2022 passed in CRM-1165-2022 in CRA-S-71-2019, the parties had been directed to appear before the Illaqa Magistrate/Trial Court so as to get their statements recorded qua the factum of compromise.
7. Report of learned Additional Sessions Judge, Chandigarh has been received, wherein it has been reported that statements of appellant/accused Vikas Garg

@ Jaggu and also of respondent No.3 namely Beenu Garg have been recorded to the effect that they have compromised the matter amongst themselves.

8. Respondent No.3 namely Beenu Garg in her statement has stated that she has no objection in case the judgment of conviction dated 10.12.2018 and order of sentence dated 15.12.2018 passed by learned Additional Sessions Judge, Chandigarh are set aside.
9. Learned Additional Sessions Judge, Chandigarh has specifically opined that the parties have entered into compromise voluntarily and without any undue influence.
10. In view of the fact that the occurrence had taken place pursuant to a matrimonial discord, which has been amicably resolved amongst the parties and that the parties have also parted ways and the marriage stands dissolved by way of decree of divorce by mutual consent, it would certainly be in the fitness of things to put an end to all the disputes amongst the parties so as enable them to move on in their life. Consequently, the present appeal is allowed and judgment of conviction dated 10.12.2018 & order of sentence dated 15.12.2018 passed by learned Additional Sessions Judge, Chandigarh are set aside and the appellant is acquitted of the charge.
11. The appellant be released forthwith in case he is not required in any other case.
12. Pending application, if any, stands disposed of as well.

5.3.2024
pankaj

Whether reasoned/speaking
Whether reportable

(Gurvinder Singh Gill)
Judge

Yes / No
Yes / No