

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1.

CRA-S-4718-SB-2014 (O&M)
2024: PHHC: 014834

GULAB SINGH AND OTHERS

. . . . Appellants

Vs.

DALJIT SINGH

. . . . Respondent

2.

CRA-S-5391-SB-2014 (O&M)
2024: PHHC: 014836

GULAB SINGH

. . . . Appellant

Vs.

DALJIT SINGH AND OTHERS

. . . . Respondent

3.

CRA-S-4751-SB-2014 (O&M)
2024: PHHC: 014837

DALJIT SINGH AND OTHERS

. . . . Appellants

Vs.

STATE OF HARYANA AND OTHERS

. . . . Respondents

Reserved on: 31.01.2024
Pronounced on: 02.02.2024

CORAM: HON’BLE MR JUSTICE DEEPAK GUPTA

In CRA-S-4718-SB-2014

Present: - Mr. Bhanu Chaudhary, Advocate, for
Mr. D.R. Bansal, Advocate, for the appellants.
Mr. Ashit Malik and Mr. Sagar Aggarwal, Advocates,
for the respondent.

In CRA-S-5391-SB-2014

Present: - Mr. Bhanu Chaudhary, Advocate, for
Mr. D.R. Bansal, Advocate, for the appellant.
Mr. Ashit Malik and Mr. Sagar Aggarwal, Advocates,
for respondents No.1 to 4.
Mr. Randhir Singh, Addl. A.G., Haryana,
for respondent No.5.

In CRA-S-4751-SB-2014

Present: - Mr. Ashit Malik and Mr. Sagar Aggarwal, Advocates,
for the appellants.

Mr. Randhir Singh, Addl. A.G., Haryana,
for respondent No.1.

Mr. Bhanu Chaudhary, Advocate, for
Mr. D.R. Bansal, Advocate, for respondents No.2 to 4.

DEEPAK GUPTA, J.

This order shall dispose of three appeals tiled above, as all of them have arisen out of the same occurrence, resulting into lodging of an FIR by one party; and filing of the complaint by the opposite party, resulting into conviction of both the sides.

2. On perusal of the paper-books of all the three cases, it is revealed that in an occurrence, which took place on 31.10.2010 at about 7:00 AM, both the parties sustained injuries. On the complaint of Gulab Singh, FIR No.386 dated 31.10.2010 was registered at Police Station Shahbad under Sections 323, 452 & 506 read with Section 34 IPC against Daljit Singh, Darbara Singh, Avtar Singh and Shyam Lal (*appellants in CRA-S-4751-SB-2014*). On the other hand, Daljit Singh filed a private complaint seeking prosecution of Gulab Singh, Surinder Kaur and Navneet Kaur (*appellants in CRA-S-4718-SB-2014*) for offences under Sections 148, 307, 323, 452, 506 IPC with Section 149 IPC. After recording preliminary evidence, these accused i.e. Gulab Singh, Surinder Kaur and Navneet Kaur were summoned by Magistrate for commission of the aforesaid offences and after procuring their presence, the case was committed to the Court of Sessions. The FIR case, based upon the

complaint of Daljit Singh, was also committed to the Court of Sessions because of the commitment of the case of cross version.

3. In sessions case No.100066 of 2013 titled 'State Vs. Daljit Singh and others arising out of FIR No.386 of 2010, Daljit Singh, Darbara Singh, Avtar Singh and Shyam Lal were convicted under Sections 323, 452 and 506 IPC read with Section 34 IPC, though acquitted for the offence under Section 307 and 452 IPC, vide judgment dated 04.11.2014 passed by the concerned Additional Sessions Judge, Kurukshetra. Vide a separate order dated 05.11.2014, all four of them were sentenced to undergo varying period of imprisonment, maximum being for a term of 21 months of rigorous imprisonment under Section 452 IPC. All the sentences were directed to run concurrently.

4. Against the aforesaid conviction, Daljit Singh etc. filed Criminal Appeal being *CRA-S-4751-SB-2014*. On the other hand, complainant of the FIR namely Gulab Singh filed criminal appeal bearing *CRA-S-5391-SB-2014* for enhancement of sentence.

5. In the complaint case which was filed by Daljit Singh, accused Gulab Singh, Surender Kaur and Navneet Kaur were tried in sessions case No.100067 of 2013 and all three of them were convicted under Sections 148, 323 and 506 read with Section 149 IPC vide judgment dated 04.11.2014; and were sentenced to varying period of sentences, the maximum being for 9 months of rigorous imprisonment under Section 148 IPC vide separate order dated 05.11.2014. The substantive sentences were directed to run concurrently. Against this

conviction, Gulab Singh etc. filed criminal appeal bearing CRA-S-4718-SB-2014.

6. All the three appeals were admitted and sentences were suspended.

7. During pendency of these appeals, parties entered into a compromise. A written compromise dated 12.09.2018 was executed amongst them, as per which, with the intervention of respectable members of village, they had entered into a compromise with their free will and without any pressure. It was also mentioned in the compromise that Gulab Singh and Darbara Singh are real brothers and thus, the dispute was all amongst family members only. Both the parties prayed for setting aside the convictions recorded against each other.

8. As directed by this Court, parties appeared before the trial Court concerned for getting their statements recorded. As per the report received, all the parties appeared before the trial Court and got their statements recorded regarding the compromise. As per the report, the compromise between the parties was genuine and had been effected without any coercion or undue influence.

9. Question as to whether proceedings can be quashed/compounded on the basis of compromise amongst the parties, once the matter has been considered by the trial Court after appreciation of evidence and conviction has been recorded, was considered at depth by the Coordinate Bench of this Court in *CRA-S-394-SB-2006* titled as '*Dalbir vs State*'; and *CRR No.1256 of 2006* titled as '*Jeet Singh vs State*', both decided vide common order dated 11.04.2023, which was

also later on followed by this Court in ***CRM-M-34851 of 2023*** titled as ***Manjit Singh Vs. State of Punjab and another***, decided on 18.01.2024. It was held, after referring to catena of authorities that there could be no dispute even in the cases where the offences are non-compoundable, but are predominantly of a private nature, the proceedings can be annulled, even if the trial has concluded and even if the appeal has been dismissed against conviction.

10. In the present case, both the parties are close relatives, inasmuch as Gulab Singh and Darbara Singh are real brothers and rest of the accused are in their relations. Occurrence had taken place way-back in October 2010 i.e. more 13 years ago, over a petty dispute. Except for Section 452 IPC, all other offences, for which the parties have been convicted, are compoundable in nature. Both the parties faced a long agony of trial. Compromising the matter will help in harmonizing the relations between the parties. Having regard to all the facts and circumstances, this Court should not create any hindrance to give effect to the compromise, which has been found by the Court concerned to be voluntarily in nature and without any pressure on either of the parties.

11. Consequent to all the afore-said facts and circumstances, ***CRA-S-4718-SB-2014*** and ***CRA-S-4751-SB-2014*** are allowed. Impugned judgments of conviction dated 04.11.2014 and order of sentence dated 05.11.2014, as assailed in theses appeals, are hereby set aside. Appellants of both these appeals stand acquitted within the meaning of Section 320 (8) CrPC. As far as ***CRA-S-5391-SB-2014*** filed by Gulab Singh for

enhancement of sentence is concerned, the same has become infructuous and disposed of as such.

Pending application (s), if any, stand disposed of.

A photocopy of this order be placed on the files of connected cases.

02.02.2024

Vivek

(DEEPAK GUPTA)

JUDGE

1. Whether speaking/reasoned?

Yes
2. Whether reportable?

No