



**118+263 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-13613-2024 and 53359-2023 in/and
CRR-672-2023 (O&M)**

Date of Decision: May 27, 2024

Gurmukh Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Manish Kumar Singla, Advocate for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

None for respondent No.2.

DEEPAK GUPTA, J.(Oral)

As per oral request of learned counsel for the petitioner, the main revision petition, i.e. CRR No.672-2023, which is lying admitted, is taken on Board today itself for hearing.

Petitioner was convicted vide judgment dated 25.02.2020 under Sections 465 IPC in a case arising out of FIR No.101 dated 05.07.2012, under Sections 420, 465, 468, 471 and 120-B IPC, registered at Police Station Fatehgarh Sahib and was sentenced to undergo rigorous imprisonment for a period of 1 year and to pay fine of ₹3,000/- with default sentence. The appeal against the said judgment of conviction was dismissed by the Court of learned Addl. Sessions Judge, Fatehgarh Sahib on 24.02.2023. Against the concurrent findings of both the Courts below, present revision has been filed.

Vide order dated 03.04.2024, complainant of the case, namely,

Raj Kumar was impleaded as respondent No.2.

Learned counsel has referred to “**Ramgopal and another v. State of Madhya Pradesh**” 2021 SCC Online SC 834, to contend that criminal proceedings involving non-heinous offences or where offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has been concluded and appeal stands dismissed against conviction, under extraordinary powers enjoined upon the High Court under Section 482 Cr.P.C.

Application bearing No.CRM-13613-2024 was moved for compounding of the offence. On 03.04.2024, following order was passed by this Court:-

“This is an application under Section 482 Cr.P.C. read with Section 320 Cr.P.C. for allowing the parties to compound the offence on the basis of the compromise effected amongst the parties on 12.03.2024 (Annexure P-2) and also to set aside the conviction of the appellant recorded by the Trial and as affirmed by the Appellate Court vide judgment dated 24.02.2023.

Learned counsel for the applicant-petitioner contends that the petitioner has been convicted on the allegation that he did not incorporate the entry in the jamabandi regarding the status quo as was ordered by the Court. Learned counsel contends further that the offence in question is private in nature and the matter has since been compromised.

Learned counsel for respondent No.2 concedes the factum of the compromise.

Let the parties appear before the CJM concerned on 24.04.2024 for getting their statements recorded with regard to the genuineness of the compromise effected between the parties on 24.04.2024 or any other date, which may be fixed by the Magistrate.

Report of learned CJM concerned be awaited for 27.05.2024, the date already fixed in the main case.”

Pursuant to the aforesaid order, the report dated 09.05.2024 of learned Chief Judicial Magistrate, Fatehgarh Sahib, has been received regarding the genuineness of the compromise.

However, today there is no representation on behalf of respondent No.2, but on 03.04.2024, learned counsel appeared on behalf of respondent No.2-complainant conceded the factum of compromise.

Consequently, CRM-13613-2024 for compounding of offence is allowed.

Consequent to the aforesaid facts and circumstances and having regard to the legal position as explained in Ramgopal's case (*supra*), the impugned judgment of conviction and order of sentence, are hereby set aside on account of the compromise between the parties. Petitioner stands acquitted within the meaning of 320(8) Cr.P.C.

The present revision petition stands allowed.

As such, the pending application, i.e. CRM-53359-2023 is disposed of, having become infructuous.

May 27, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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