

2024:PHHC:124530



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.254-2

CRR-606-2024 (O&M)
Date of decision : 18.09.2024

Mahesh Kumar Petitioner

VERSUS

State of Haryana Respondent

CORAM: HON’BLE MS. JUSTICE KIRTI SINGH

Present: Mr. J.S. Gill, Advocate, for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. G.S. Aulakh, Advocate, for the complainant.

KIRTI SINGH, J. (Oral)

Present revision petition has been filed by the petitioner against the judgment dated 11.03.2024 passed by the Court of Sessions Judge, Sirsa whereby the appeal filed by the petitioner against the judgment and order dated 28/30.08.2018 passed by the Court of Sub Divisional Judicial Magistrate, Dabwali whereby the petitioner and other co-accused were convicted and sentenced as follows, was dismissed:-

Section(s) of I.P.C	Sentence	Fine	I/D of payment of fine
148	RI for 02 years	Rs.1000/-	--
323 read with 149	RI for 01 year	--	--
324 read with 149	RI for 02 years	--	--
325 read with 149	RI for 03 years	--	--
326 read with 149	RI for 03 years	Rs.10,000/-	RI for 06 months

2. At the very outset, learned counsel for the petitioner submits that during the pendency of the present revision petition, the parties have amicably settled the dispute and in this case, there were 03 victims including the complainant-Butta Singh and one of the victim namely Jagar Singh has died. He further prays that in view of the settlement, the sentence of the petitioner may be reduced to the period already undergone.

3. The factum of compromise between the parties has not been disputed by counsel for the complainant and he has fairly acceded to the request of reduction in the quantum of sentence of the petitioner.

4. A perusal of record shows that the petitioner and the complainant have compromised the matter. The FIR in question stood registered on 12.08.2006 and thereafter, the impugned judgment of conviction and order of sentence was passed on 28/30.08.2018 and his appeal was decided on 11.03.2024 by the learned First Appellate Court. During the pendency of present revision petition, he was released on interim bail vide order dated 31.05.2024.

5. The parties having settled their disputes so as to maintain peace and harmony and also for the betterment and safety of their generations to come, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for this Court to invest further time and effort in adjudicating this revision petition on merits.

6. The Hon'ble Supreme Court in **Shakuntla Sawhney Vs. Kaushalya and others (1980) 1 SCC 63** has observed as under:

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

7. Keeping in view the fact that one of the objectives of the criminal jurisprudence is to reform a convict and also the fact that the petitioner has amicably settled the matter with the complainant and taking into consideration the facts and circumstances of the case, I feel that the petitioner has been adequately punished and it would not be unjustified to invoke the inherent powers vested to this court to secure the ends of justice.

8. Accordingly, the impugned judgment of conviction dated 28.08.2018 passed by the Sub Divisional Judicial Magistrate, Dabwali and as upheld by the Court of Sessions Judge, Sirsa vide impugned judgment dated 11.03.2024, is maintained. So far as order of sentence is concerned, the sentence of the petitioner reduced to the period already undergone by him.

9. With the above modification in the order of sentence, instant revision petition is hereby disposed of.

10. A copy of this order be sent to the Trial Court for compliance.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

18.09.2024
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No