



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

**CRM-19449-2024 in/and
CRA-S-1485-2024 (O&M)
Date of Decision : 09.07.2024**

MANGA SINGH @ SHETTY

.....Appellant

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Aangrej Singh Sarwara, Advocate,
for the applicant/appellant.

Mr. Raghav Garg, AAG, Punjab.

Mr. Sukhcharan Singh Gill, Advocate,
for respondent no.2/complainant.

KULDEEP TIWARI, J.(Oral)

CRM-19449-2024

In pursuance to the order dated 07.05.2024, a report bearing No.726, dated 18.05.2024, has been received from the learned Chief Judicial Magistrate, Barnala, wherein, a satisfaction has been recorded by him *qua* the compromise dated 01.04.2024, being drawn in a genuine and voluntary and without any pressure or coercion and out of free will of the parties.

Consequently, the instant application for compounding the offences and quashing of instant FIR is hereby **allowed**, and proceed to dispose of the the main petition, hereinbelow, on the basis of compromise.

CRA-S-1485-2024

1. The appellant herein, was put to trial in a case FIR No.02 dated 4.1.2023, registered under Sections 379-B, 341, 323 IPC, at Police Station Barnala, District Barnala, and was convicted by the learned Additional Sessions Judge, Barnala, for the commission of offences punishable under Sections 323, 341, 379 IPC, vide judgment dated 18.03.2024 and vide order of even date, he has been sentenced as under:-

Sr. No.	Offence U/S	Sentence	Fine	Imprisonment in default of fine
1.	323 IPC	RI One year	Rs.1000/-	RI Fifteen days
2.	341 IPC	SI One month	Rs.500/-	SI Seven days
3.	379 IPC	RI Two years	Rs.3500/-	RI One month

2. Having aggrieved with the judgment of conviction and order of sentence (*supra*), the appellant preferred an appeal before this Court, which was admitted by a Co-ordinate Bench of this Court vide order dated 16.4.2024. During interregnum, a compromise has been effected between the parties, which led them to file an application (CRM-19449-2024) for seeking compounding of offences and for quashing of the FIR (*supra*) alongwith all subsequent proceedings arising therefrom, judgement of conviction and order of sentence (*supra*) on the basis of a compromise dated 01.04.2024 (Annexure A-4).

3. In order to seek the relief (*supra*), the learned counsel for the petitioner has placed reliance upon the judgment of the Hon'ble Supreme Court passed in the case of “**Ram Gopal and another Vs. State of Madhya Pradesh** “ reported as 2021 SCC OnLine SC 834.

4. Upon an affirmative response from the learned counsel for respondent no.2/complainant *qua* the compromise dated 01.04.2024 (Annexure A-4), this Court, through an order drawn on dated 07.05.2024, upon the application (CRM-19449-2024), besides issuing notice, directed the parties to appear before the learned trial Court/*Illaq*a Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise (*supra*). Moreover, the learned trial Court/*Illaq*a Magistrate concerned was also directed to send a report in the above regard.

5. Consequent to the making of the directions (*supra*), the parties appeared before the learned Chief Judicial Magistrate, Barnala, and got their respective statements recorded, thereby authenticating the compromise (*supra*). Accordingly, in compliance of the directions (*supra*) of this Court, a report bearing No.726, dated 18.05.2024, has been received from the learned Magistrate concerned, wherein, a satisfaction has been recorded by him *qua* the compromise (*supra*), being drawn in a genuine and voluntary and without any pressure or coercion and out of free will of the parties.

6. This court has heard learned counsel for the parties concerned, and have gone through the record with their able assistance.

7. The Hon'ble Supreme Court in ***Shakuntla Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held 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.....”

8. Be that as it may, keeping in view the fact that: (i) the dispute has been amicably settled between the parties concerned; (ii) the offences in question are compoundable; and (iii) compounding can be allowed at any stage, this Court deems it fit and appropriate to allow the instant appeal.

9. Consequently, the instant appeal is **allowed**, and, the appellant is **acquitted** of the charges against him. The impugned verdict of conviction and order of sentence, both dated 18.03.2024, as passed by the learned Additional Sessions Judge, Barnala, are hereby set aside.

10. The appellant is directed to be released from custody, if not required in any other case. His bail bonds and surety bonds, if any, also stand discharged.

11. All pending application(s) stand disposed of accordingly.

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

July 09, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No