

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRR-798-2024
Date of Decision: 17.05.2024

MAHINDER SINGH
... Petitioner
Versus
STATE OF HARYANA & ANOTHER
... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Sahil Choudhary, Advocate for the petitioner.
Mr. Ramender Singh Chauhan, AAG, Haryana.
Ms. Garima Advocate for
Mr. Ashish Kumar Sinder for respondent No.2.

SANJIV BERRY, J. (ORAL)

Report dated 09.05.2024 from the learned trial Court has been received to the fact that the parties have effected compromise, which is genuine and without any pressure.

2. During course of hearing following orders were passed on 02.05.2024:-

XXX XXX XXX
By way of instant revision petition, the petitioner has challenged the impugned judgment dated 10.02.2023 passed by learned Additional Sessions Judge, Yamunanagar at Jagadhri, whereby the criminal appeal preferred by the petitioner titled 'Mahinder Singh vs. State of Haryana and another,' bearing No. CIS-CRA-206-2016 challenging judgment of conviction dated 13.07.2016 and order of sentence dated 15.07.2016 in criminal complaint case No. 2847-2013



titled 'Nar Singh Yadav vs. Mahinder Singh' had been dismissed.

2. *It is, inter alia, contended by learned counsel for the petitioner that after passing of the impugned judgment dated 10.02.2023, the petitioner is in custody, although undergoing sentence in another case, wherein he was convicted and in the meanwhile with the intervention of the respectables, a compromise has been effected between the petitioner and respondent No. 2, vide which all the due amount has been paid to the complainant vide compromise deed dated 15.04.2024 (Annexure A-1) and prays for setting aside of the impugned judgment as also the judgment of conviction and order of sentence (supra).*

3. *Notice of motion.*

4. *On the asking of the Court, Ms. Gaganpreet Kaur, DAG, Haryana, who is present in Court, accepts notice on behalf of the Staterespondent No. 1 and Mr. Ashish Kumar Sindher, Advocate, has put in appearance on behalf of respondent No. 2 and filed his power of attorney. The same is taken on record. Learned counsel also admits the factum of compromise.*

5. *Since the instant revision petition has been preferred mainly on the basis of compromise dated 15.04.2024 (Annexure A-1), it is deemed appropriate that in order to ascertain the genuineness of compromise (supra), both the parties should appear before the concerned learned Trial Court/Illaqa Magistrate/Duty Magistrate on 08.05.2024 for recording their statements with regard to compromise/settlement.*

6. *Learned Trial Court/Illaqa Magistrate/Duty Magistrate is directed to submit a report specifically para wise on or before the next date of hearing containing the following information:-*

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not.*
- 5. The Trial Court is also directed to record the statement of the Investigation Officer as to how many victims/complainants are there in the FIR.*
- 6. The Trial Court is also directed to report*



whether the cost, if any, so imposed by this Court has been deposited or not?

7. *To await report of the trial Court, adjourned to 13.05.2024.*

8. *As the petitioner is in custody learned Trial Court may record the statements through video conferencing or by issuance of production warrants, as deemed appropriate on the application, so moved, by the petitioner.*

XXX XXX XXX

3. After hearing respective submissions and considering the fact that the parties have effected compromise dated 15.04.2024 (Annexure A-1) during the pendency of the instant revision petition and also the fact that respondent No.2-complainant of the case has categorically stated on the basis of the compromise that he does not want to pursue the matter and has no objection, if the complaint filed by him in the instant case is quashed.

4. Therefore, considering all the facts and circumstances, the instant revision petition is allowed, thereby quashing the judgment dated 10.02.2023 passed by learned Additional Sessions Judge, Yamuna Nagar in Criminal Appeal No.206 of 2016 titled as Mahinder Singh vs. State of Haryana and another and also the judgment of conviction dated 13.07.2016 and order of Sentence dated 15.07.2016 passed by learned Judicial Magistrate First Class, Yamuna Nagar, Jagadhri in Criminal Complaint No. 2847 of 2013 titled as Nar Singh Yadav vs. Mahinder Singh are hereby set aside.

5. Petition stands disposed of.

(SANJIV BERRY)
JUDGE

17.05.2024

Gyan	i)	Whether speaking/reasoned?	Yes
	ii)	Whether reportable?	Yes