

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1373-2023

SU Kumar Sahu

....Petitioner

Vs.

State of Haryana and Another

....Respondents

Reserved On.: 01.02.2024
Pronounced On: 07.02.2024

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Munish Kumar Garg, Advocate with
Mr. Puneet Kapoor, Advocate for
the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Ms. Bhawna Thakur, Advocate for
Mr. Tanuj Goyal, Advocate for
respondent No.2.

DEEPAK GUPTA, J.

This criminal revision has been filed against concurrent finding of conviction. However during pendency of this petition, parties have compromised the matter. A compromise/settlement deed dated 25.01.2024 has been placed on record.

2. Perusal of the file reveals that Rajbir (*respondent No.2 herein*) filed a criminal complaint to prosecute accused Su Kumar Sahu (*petitioner herein*) along with Lakshmi Narayana Pvt. Ltd. under Sections 420, 406, 467, 468, 471 & 506 of the IPC. Allegation was that accused was running travel agency. Complainant used to get his ticket booked from the accused Su Kumar during August 2012 to January, 2013, who would sometimes book the tickets

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himself and sometimes through Lakshmi Narayan Pvt. Ltd. company. Complainant used to deposit the money of tickets in the bank account of the accused, who would then send the tickets through e-mail. On 24.02.2012, an amount of ₹5,00,000/- was paid and when the complainant examined the tickets booked through accused Su Kumar on official website of Jet Airways, he found all the tickets to have been cancelled, despite making full payment. Complainant had to book new tickets causing a loss of ₹50,00,000/- to him. He later came to know that accused had prepared forged tickets, bearing the same ticket number. When accused was asked to return the money, instead of doing so, he threatened the complainant.

3. After recording preliminary evidence, only accused Su Kumar was summoned to face trial. The complaint qua accused No.2 i.e. Lakshmi Narayan Pvt. Ltd. was dismissed. Trial was held. Vide judgment dated 29.07.2019, learned JMJC, Panipat convicted the accused- petitioner under Sections 468 & 471 of the IPC and vide a separate order of the even date, sentenced him to undergo rigorous imprisonment for a period of 03 years each and also to pay fine of ₹5,000/- each for both the offences i.e. Sections 468 & 471 of the IPC. Substantive sentences were directed to run concurrently.

4. Appeal filed by the petitioner against the aforesaid conviction was dismissed by learned Additional Sessions Judge, Panipat on 12.04.2023. As far as order of sentence is concerned, the period of imprisonment was reduced to one year each for both the offences with the direction to run both the sentences concurrently.

5. As noticed earlier that during the pendency of this revision, matter

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has been compromised between the parties. It was informed that petitioner was confined in jail in the present case; whereas respondent No.2 Rajbir (complainant) was also confined in the same jail in some other case and in the jail itself, both of them entered into compromise. Affidavit on behalf of complainant Rajbir was signed by his wife Meena, which was placed on record before this Court on 29.05.2023. It was further informed that in compliance of the settlement, demand draft of ₹1,50,000/- had been paid by the petitioner, which had been handed over to the wife of respondent No.2- complainant in the Court itself. The remaining sentence of the petitioner was suspended vide order dated 29.05.2023. Later on, a written settlement / compromise deed dated 25.01.2024 has been placed on record. Learned counsel for respondent No.2- complainant conceded the factum of compromise. He further conceded that the entire payment as per settlement has been received by the complainant.

6. In the aforesaid facts and circumstances, the question is that as to whether the Court should accept the compromise and give necessary permission to compound the offence, inasmuch as both the offences are non-compoundable in nature and the conviction recorded by the Trial Court has been confirmed by the Appellate Court.

7. 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 a 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

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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 that even in the cases, where the offences are non-compoundable, but are predominantly of a private nature, the proceedings can be annulled, even if trial has concluded and even if appeal has been dismissed against conviction.

8. In the present case, both the parties came to terms while in jail, in a private matter. Occurrence had taken place way-back in February, 2012 i.e. more 12 years back, over a private dispute. 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

9. In view of the aforesaid discussion, conviction recorded vide judgment dated 29.07.2019 in case bearing CNR No.HRPP03-002931-2014 titled as ‘Rajbir Versus Su Kumar Sahu & Anr.’ along with the sentence imposed by trial Court and as modified by appellate court vide judgment dated 12.04.2023 in appeal bearing CNR No.HRPP01-008313-2019 titled as ‘Su Kumar Sahu Versus Rajbir’ are hereby set aside.

(DEEPAK GUPTA)
JUDGE

February 07, 2024

Neetika Tuteja

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No