



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

CRR-1755-2018 (O&M)
Date of decision: 19.09.2024

Jaspal Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Vishal Satija, Advocate for the petitioners.

Mr. J.S. Dhaliwal, AAG, Punjab.

Mr. Himanshu Jain, Advocate
for the LR of complainant.

KARAMJIT SINGH, J. (ORAL)

1. The present revision petition has been filed by the petitioners/accused seeking setting aside of judgment dated 27.04.2018 passed by the Court of Additional Sessions Judge, Sangrur whereby the appeal filed by petitioners against judgment and order dated 20.04.2017 passed by the Court of Additional Chief Judicial Magistrate, Sangrur, whereby petitioners were convicted and sentenced to RI for one year each and to pay a fine of Rs.1500/- each under Sections 323 read with Section 34 IPC and in default payment of fine to further undergo simple imprisonment for a period of 10 days each and to undergo rigorous imprisonment for a period of two years each and to a pay of Rs.3000/- each and in default of payment of fine to further undergo simple imprisonment for a period of 20 days each under Sections 325 read with Section 34 IPC, was dismissed.

2. The brief facts of the case are that on 19.05.2010, at about 04:00 PM complainant Hamir Singh and his son Sukhman Singh had gone to their fields, where petitioners Shamsheer Singh armed with spade, Bachhitar Singh and Jaspal Singh both armed with gandas



and Jasbir Kaur and Gurmeet Kaur (both already acquitted by trial Court) attacked Hamir Singh and caused injuries to him. The matter was reported to the police and FIR was registered against the accused persons including the present petitioners. On completion of investigation, police presented challan against the petitioners, Jasbir Kaur and Gurmeet Kaur.

3. On completion of trial, Jasbir Kaur and Gurmeet Kaur were acquitted, while the petitioners were convicted and sentenced to imprisonment as has been detailed above, by the trial Court vide its judgment and order dated 20.04.2017.

4. Being aggrieved, petitioners filed appeal which was also dismissed by the Court of Additional Sessions Judge, Sangrur vide judgment dated 27.04.2018. Still being not satisfied petitioners have filed the present revision petition.

5. During the pendency of the present revision petition, it was brought to the notice of this Court that complainant Hamir Singh has died and copy of his death certificate was placed on the record. His LR's stepped into his shoes.

6. It was also brought to the notice of Court that LR's of Hamir Singh have entered into compromise with the petitioners. Petitioners also filed an application seeking permission of this Court to compound the offences punishable under Sections 325, 323 read with Section 34 IPC. On this, the parties were directed to get record their statements by appearing before the Court concerned. The said Court sent its report along with the copies of the statements of the parties.

7. LR's of Hamir Singh namely his wife Jaspal Kaur, daughter Kulwinder Kaur and son Sukhman Singh pleaded no objection if offences in the present case are compounded. Separate statements of petitioners were also recorded to the same effect.

8. The counsel for the parties are ad idem that as matter has been compromised, the parties be permitted to compound the offences punishable under Sections 325, 323 read with Section 34 IPC. Even the Court concerned in its report has observed that the compromise effected between the parties is genuine, voluntary and without any coercion or undue



influence.

9. Admittedly, offence punishable under Section 325 IPC could be compounded with the permission of Court whereas offence under Section 323 IPC may be compounded without any such permission of the Court.

10. It is apparent that in the present case, parties have settled their dispute and LRs of victim are having no objection if the offences punishable under Sections 325, 323 read with Section 34 IPC are compounded.

11. It being so, permission is hereby given to the parties to compound offences punishable under Sections 325, 323 read with Section 34 IPC in the present case. Consequently, the petitioners deserve to be acquitted of offences punishable under Sections 325, 323 read with Section 34 IPC.

12. For the foregoing reasons, the present petition is allowed and the impugned judgments passed by the Courts below are set aside and the petitioners are acquitted of offences punishable under Sections 325, 323 read with Section 34 IPC.

19.09.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No