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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRR-2500-2023  
Date of Decision: 18.01.2024

Kanwaljit Kaur.....Petitioner

Versus

Sarabjit Kaur and another.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manoj R. Sharma, Advocate for the petitioner.  
Mr. Sandeep Sharma, Advocate for the respondents.

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HARPREET SINGH BRAR, J. (Oral)

1. On 22.11.2023, the following order was passed:-

“CRM-49179-2023

*This is an application for preponing the date of hearing in the main case as the matter has been settled between the parties.*

*Notice in the application.*

*Ms. Sushma Sharma, Advocate, accepts notice on behalf of respondent No.1 and Mr. Sandeep, Addl. Advocate General, Punjab, accepts notice on behalf of the respondent/State. They submit that they have no objection, if the present application is allowed.*

*For the reasons mentioned in the application and in view of no objection given by the counsel opposite, the application is allowed. The main case is preponed and taken up today.*

Main Case

*The present petition has been filed against the judgment and order dated 19.04.2018 passed by the Judicial Magistrate Ist Class, Batala, vide which, the petitioner has been sentenced to undergo RI for a term of two years along with compensation of Rs.3,18,000/- under Section 138 of Negotiable Instruments*

*Act and the appeal of the petitioner was dismissed vide judgment dated 07.10.2023 passed by the Additional Sessions Judge, Gurdaspur.*

*Although, the present petition has been filed for setting aside the judgments passed by the Courts below. However, learned counsel for the petitioner has submitted that the parties have settled the dispute amicably and the complainant has arrived at compromise with the petitioner.*

*Learned counsel for the respondent/complainant does not dispute the aforesaid facts.*

*In view of the above, let the parties now appear before the Trial Court/Illaq Magistrate on 07.12.2023 or any other date convenient to the Court for recording their statements with regard to compromise. The Trial court/Illaq Magistrate is directed to record the statements of both the parties to its satisfaction to know the genuineness of the compromise and to assess that the statements are not the result of any pressure or coercion in any manner. The Trial Court/Illaq Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties. It shall also be reported whether petitioner has been declared Proclaimed Offender in this case or not.*

*Adjourned to 18.01.2024.*

*CRM-46111-2023*

*This is an application for suspension of sentence imposed upon the petitioner.*

*Since, the petitioner is required to appear before the trial Court for recording of his statement, it would not be unjustified to suspend the sentence imposed against the petitioner, as an interim measure.*

*Accordingly, the sentence imposed against the petitioner is ordered to be suspended till the next date of hearing. The petitioner be released on bail till the next date of hearing only, subject to her furnishing bail bonds/sureties to the satisfaction of the concerned Chief Judicial Magistrate/ Duty Magistrate.”*

2. In compliance with the directions issued by this Court, the petitioner as well as respondent No.1 had appeared before the Judicial Magistrate Ist Class, Batala and statements of the parties were recorded and the learned Judicial Magistrate Ist Class, Batala has sent a report dated 14.12.2023 that the compromise is genuine, voluntary and without any pressure, threat or coercion.

3. I have heard learned counsel for the parties and have gone through the record with their able assistance.

4. In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of 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:-

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

5. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in ***Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466 and Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834*** and Full Bench of this Court in ***Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052***, this

petition is allowed and the impugned judgment of conviction and order of sentence dated 19.04.2018 as well as impugned judgment dated 07.10.2023 passed by the learned Additional Sessions Judge, Gurdaspur vide which the petitioner has been sentenced to undergo rigorous imprisonment for a term of 2 years is set aside and the petitioner is acquitted of the charges framed against her.

6. Bail bonds and surety bonds stands discharged.
7. The petition is disposed of.

(HARPREET SINGH BRAR)

JUDGE

18.01.2024

Rajeev (rvs)

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |