

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

**CRR No. 3991 of 2018 (O&M)
DATE OF DECISION :- 27.02.2024**

Pawan Kumar

...Petitioner

Versus

Tarsem Raj and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Dinesh Mahajan, Advocate for the petitioner.

Mr. Sandeep Godara, Advocate
for Mr. Ajay Pal Singh Rehan, Advocate for respondent No. 1.

Mr. Adhiraj Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

The present revision petition is directed against the order dated 26.11.2018 passed by learned Additional Sessions Judge, Gurdaspur whereby the petitioner-Pawan Kumar was convicted for offence under Section 406 IPC and was sentenced to undergo rigorous imprisonment for a period of 01 year and to pay a fine of Rs.1000/- and in default of payment of fine to further undergo rigorous imprisonment for a period of 15 days.

On 08.02.2024, following order was passed :

“Learned counsel for the petitioner and respondent No. 1 are ad-idem that the parties have entered into a compromise dated 23.08.2023 (copy whereof has been appended as Annexure P1).

(i) The petitioner shall appear before the Illaqa Magistrate concerned on 13.2.2024 or any date thereafter as fixed by Illaqa Magistrate for recording statement of the petitioner as well as of the complainant qua the factum of compromise. As and when any such appearance is made, the Illaqa Magistrate shall do the

needful for recording the statements of the parties qua the factum of the compromise. It shall be open to the Illaqa Magistrate to either record the statement of the parties by physical process or by video conferencing as deemed appropriate by the Illaqa Magistrate.

(ii) In case the statement is to be recorded by way of video conferencing, the parties concerned shall be duly identified through video conferencing by their respective counsel, subject to the satisfaction of the Presiding Officer.

(iii) The Illaqa Magistrate may also choose to get the statements of the parties recorded through some Commissioner, appointed by the Court who would be some Advocate having sufficient standing at the Bar. In case the statement is recorded through some Commissioner, such Commissioner/Advocate shall furnish an affidavit after recording statements to the effect that the parties had appeared before him/her and he/she had recorded their statements as per law and that the said parties had been duly identified by their respective counsel. This shall be subject to satisfaction of Illaqa Magistrate.

After recording the statements of all the affected parties in either of the aforesaid manner, the Illaqa Magistrate shall submit its report on the basis of the statements so recorded as to whether all the affected parties have entered into a compromise and as to whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion.

The Illaqa Magistrate shall also report as regards the following facts after seeking information from Investigating Officer, concerned:

(i) Whether there is any other accused other than the petitioners, arrayed in this petition.

- (ii) *Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.*
- (iii) *Whether any accused has been declared Proclaimed Offender?*
- The report be submitted before this Court before the next date of hearing i.e. 27.02.2024.*
- To be shown in the urgent list.”*

Pursuant to the aforesaid order, report dated 15.02.2024 from Chief Judicial Magistrate, Gurdaspur has been received, which reads as follows :

“The parties suffered their statements voluntarily and without any coercion or undue influence before Court as they have compromised their dispute with the intervention of relatives and respectable persons of the locality, which seems to be genuine.

I submit the following information:

Sr. No.	Information	Remarks
1.	<i>Whether there is any accused other than petitioners arrayed in petition.</i>	<i>Except the petitioner Pawan Kumar, there is the one another accused namely Raj Rani, who has been acquitted by the trial Court as well as Id. Additional Sessions Judge, Gurdaspur.</i>
2.	<i>Whether there is any other complainant or affected/aggrieved party other than the respondents arrayed in the petition.</i>	<i>Except respondent No.1 Tarsem Raj and victim Meena Kumar, there is no other complainant or affected/aggrieved party.</i>
3.	<i>Whether any accused has been declared proclaimed offender?</i>	<i>No Sir.</i>

Report submitted for kind perusal.”

In view of the above, the revision petition is allowed. The judgment dated 26.11.2018 passed by learned Additional Sessions Judge, Gurdaspur is set aside and the petitioner is acquitted on basis of compromise.

Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

27.02.2024

P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No