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

CRR-3458-2019 (O&M)

Date of decision: 04.04.2024

Rajesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Vivek Singla, Advocate for the petitioner.

Mr. Inderjeet Singh, DAG, Punjab.

Mr. Dhanpat Rai Singla, Advocate for respondent No.2.

KARAMJIT SINGH, J. (ORAL)

1. The present revision petition has been filed by the petitioner/accused seeking setting aside of judgment dated 10.12.2019 passed by the Court of Additional Sessions Judge, Bathinda whereby the appeal filed by petitioner against judgment and order dated 12.03.2018 passed by the Court of Judicial Magistrate Ist Class, Talwandi Sabo, whereby petitioner was convicted and sentenced to RI for two years and to pay fine of Rs.2,000/- and in default of payment of fine to further undergo RI for two months, under Section 406 IPC, was dismissed.

2. The brief facts of the case are that complainant Baljinder Singh reported to the police that petitioner was doing tangerine business with the complainant and petitioner used to take supply of tangerine from the complainant for sale in different markets. The petitioner took six

thousands crates of plastic each weighing two kg but thereafter failed to return the same and the value of the said crates was Rs.15 lacs. That petitioner also misappropriated another amount of Rs.10 lacs being costs of tangerines supplied by complainant to the petitioner. Consequently, FIR No.154 dated 17.11.2013 under Section 406 IPC was registered against the petitioner.

3. On completion of trial, the petitioner was convicted and sentenced as is detailed above vide, judgment and order dated 12.03.2018 by the learned trial Court. Being aggrieved, petitioner filed appeal which was also dismissed by the Court of Additional Sessions Judge, Bathinda vide judgment dated 10.12.2019. Still being not satisfied petitioner filed the present revision petition.

4. During the pendency of the revision petition, the parties effected compromise. Application was filed by counsel for the petitioner under Section 320 Cr.P.C. seeking permission to compound the offence punishable under Section 406 IPC. The application was supported by compromise deed Annexure A-1 as per which the entire settled amount worth Rs.5 lacs is paid by the petitioner to the complainant. Today, counsel appearing on behalf of complainant/respondent No.2 has admitted the factum of compromise and endorsed the contents of compromise deed Annexure A-1. The counsel for the complainant/respondent No.2 further made statement that complainant is having no objection if offence under Section 406 IPC is compounded and the petitioner is acquitted in the present case. The original compromise deed is taken on record.

5. In the light of the above, it stands proved that the matter has

been compromised between the parties and as such the parties are permitted to compound the offence punishable under Section 406 IPC in aforesaid criminal case having FIR No.154 dated 17.11.2013 under Section 406 IPC, Police Station Maur. Consequently, the petitioner deserves to be acquitted of the offence punishable under Section 406 IPC.

6. For the foregoing reasons, the present petition is allowed and petitioner is acquitted of an offence punishable under Section 406 IPC, as the offence under Section 406 IPC stands compounded.

7. Pending applications, if any, stand disposed of.

04.04.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No