



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-2459-2010 (O & M)
Date of decision: 19.05.2025

Dalbara Singh and anr.

.... Petitioners

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Anil Shukla, Advocate, for the petitioners.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Ms.Malvika Chauhan, Advocate,
for the victim-Balwinder Singh.

JASJIT SINGH BEDI, J. (Oral)

The present revision petition has been filed against the judgment dated 23.08.2010 passed by the Sessions Judge, Fatehgarh Sahib, vide which the appeal preferred by the accused-petitioners against the judgment of conviction and order of sentence dated 20.07.2009 passed by the Chief Judicial Magistrate, Fatehgarh Sahib has been dismissed.

2. The brief facts of the case are that on 11.11.1999, an application was filed by the complainant-Guljar Singh (since deceased) with the DIG, Crime disclosing the facts that accused-petitioner No.1/Dalbara Singh son of Gurbax Singh and accused-petitioner No.2/Rajinder Singh son of Gurdial Singh had received a payment of Rs.1 lac from the complainant for sending his (complainant's) son, namely, Balwinder Singh to abroad. But the son of the complainant was not sent abroad. Therefore, out of the said amount of Rs.1 lac, a sum of Rs.58,000/- had been repaid by the



accused-petitioners, whereas Rs.42,000/- was still unpaid. The accused-petitioners had also filed a suit for permanent injunction to restrain the complainant from recovering the remaining amount of Rs.42,000/-, but the same was dismissed by the Trial Court on 29.07.1999.

3. On the basis of the aforesaid application, the instant FIR came to be registered on 10.03.2000. The accused petitioners were arrested on 13.07.2000 and 18.10.2000 respectively. On completion of the investigation, the challan was presented in the Trial Court.

4. Charges under Sections 406/420 IPC were framed against the accused-petitioners to which they pleaded not guilty and claimed Trial.

5. Based on the evidence led, both the accused/petitioners were held guilty and accordingly, convicted for the offence punishable under Section 420 IPC and were sentenced as under:-

Name of the convict	Offence under Section	Sentence	Fine	In default of payment of fine
Dalbara Singh son of Gurbax Singh	420 IPC	RI for 02 years	Rs.5,000/-	RI for 06 month
Rajinder Singh son of Gurdial Singh	420 IPC	RI for 02 years	Rs.5,000/-	RI for 06 month

All the sentences shall run concurrently.

6. Aggrieved against the said judgment of conviction and order of sentence, the accused/petitioners preferred an appeal before the Sessions Judge, Fatehgarh Sahib which came to be dismissed vide a judgment dated 23.08.2010.

7. Still aggrieved, the present revision petition has been preferred by the accused-petitioners.



8. During the pendency of the present revision petition, the sentences of the accused-petitioners were suspended by this Court after depositing the remaining amount of Rs.42,000/- before the Trial Court vide receipt dated 15.02.2011.

9. The learned counsel for the petitioners contends that in compliance of the order dated 28.04.2025, the victim-Balwinder Singh i.e. son of the complainant-Guljar Singh (since deceased) and the accused-petitioners had appeared before the Mediation and Conciliation Centre of this Court on 05.05.2025. He submits that the matter has been compromised between the parties and a settlement/agreement dated 05.05.2025 has been executed between the parties before the aforesaid Forum which is already on record. He further contends that the amount of Rs.42,000/- deposited before the Trial Court vide receipts No.26 and 27 of 78569 dated 15.02.2011 shall be released in favour of the victim-Balwinder Singh after taking appropriate orders from this Court, in lieu of full and final settlement of the present dispute. Therefore, the offence under Section 420 IPC can be compounded on account of the fact that a mutual compromise has been effected between the parties.

10. The learned counsel for the State alongwith the learned counsel for the victim-Balwinder Singh (son of the complainant-Guljar Singh/deceased) contend that as the matter has been settled between the parties, they have no objection if the prayer of the learned counsel for accused-petitioners for compounding the offence under Section 420 IPC is allowed and the petitioners are acquitted of the charges framed against them.

11. I have heard the learned counsel for both the parties.



12. As per Section 320(2) Cr.P.C., an offence under Section 420 IPC is compoundable with the permission of the Court. As per Section 320(6) Cr.P.C., compounding can take place in exercise of powers of Revision. In terms of Section 320(8) Cr.P.C., the effect of such composition is that the accused is to be acquitted of the charges framed against him.

13. In view of the above, since, the parties have voluntarily settled the disputes between themselves, it is a fit case for allowing them to compound the offence.

14. Accordingly, the revision petition is allowed and subject to payment of Rs.20,000/- as costs to be deposited with Punjab and Haryana High Court Employees Welfare Association, A/c No.37167209613, State Bank of India, High Court Branch, Chandigarh, IFSC Code:SBIN0050306, the impugned judgment dated 23.08.2010 passed by the Sessions Judge, Fatehgarh Sahib as well as the judgment of conviction and order of sentence dated 20.07.2009 passed by the Chief Judicial Magistrate, Fatehgarh Sahib are hereby set aside. The petitioners are acquitted of the charge under Section 420 IPC.

15. Since the main petition has been disposed of no order needs to be passed in the pending application(s), if any,

(JASJIT SINGH BEDI)
JUDGE

May 19, 2025
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No