



CRR-2028-2016 (O&M)

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

Sr. No.249**CRR-2028-2016 (O&M)****Date of decision : 30.10.2025**

Sanjeev Kumar

..... Petitioner(s)

VERSUS

State of Haryana and another

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Manoj Tanwar, Advocate for the petitioner.

Mr. Ved Parkash, Sr. DAG, Haryana.

Mr. Ankit Singh, Advocate for

Mr. Aruz Khan, Advocate for respondent No.2.

SURYA PARTAP SINGH, J. (Oral)

1. By compounding the offence for which the petitioner has been convicted the acceptance of present revision petition is being sought on the ground that the petitioner has entered into compromise with the complainant/victim. It has also been alleged by the petitioner that the offence is compoundable and the complainant/victim has no objection if by compounding the offence, the present petition is accepted and the judgment of conviction and order of sentence are set aside.

2. The present petition has been filed by the petitioner in the backdrop of the fact that vide FIR No.32 dated 18.02.2013 under Sections 325, 323 and 34 IPC, Police Station Pundri, he was prosecuted for the commission of offence punishable under Sections 323, 325 and 34 IPC and the above mentioned trial culminated against the petitioner. Resultantly,

guilty and convicted him, for the commission of offence punishable under Sections 323, 325 and 34 IPC. On conviction, the learned trial Court awarded following sentence to the petitioner on 26.11.2014:-

Offence	Imprisonment	Fine	In default of payment of fine
323/34 IPC	Rigorous imprisonment for 3 months	Rs.500/-	To further undergo simple imprisonment for one month.
325/34 IPC	Rigorous imprisonment for 1 year	Rs.1000/-	To further undergo simple imprisonment for two months.

3. Aggrieved of the above mentioned judgment of conviction and order of sentence the petitioner along with his co-accused filed an appeal in the court of learned Sessions Judge and sought setting aside of above mentioned judgment of conviction and order of sentence. However, the appeal preferred by the present petitioner against the judgment of conviction and quantum of sentence did not find favour in the court of learned Additional Sessions Judge, and the same was dismissed.

4. It is also relevant to mention here that with regard to co-accused namely Partap Singh, although the appeal against judgment of conviction was upheld, but with regard of sentence, the order was modified and he was afforded the benefit of probation of good conduct.

5. Now it has been alleged by the petitioner that the injured Siri Chand is his real uncle, and that being family member, with the intervention of elders of the society, they have reached to a compromise and in view of compromise the injured/complainant in this case, namely Siri Chand, has agreed to compound the offence. In support of his above mentioned contention the petitioner has placed on record an original affidavit sworn by

Siri Chand. The contents of above mentioned affidavit shows that in very

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specific categorical and unequivocal words the injured/complainant Siri Chand has expressed that he does not want to pursue any prosecution against the petitioner, who has already undergone two months imprisonment. According to the injured/complainant he does not want any legal action against the petitioner In order to lend credence to the above mentioned contents of the affidavit of injured/complainant Siri Chand, his counsel has put in appearance and stated that the plea raised by the petitioner with regard to compromise and compounding of offence is true.

6. To test the genuiness of the compromise this, court vide order dated 20.08.2025, had directed the parties to appear before the Investigating Officer for recording their statements, and called the report.

7. Pursuant to the aforesaid order, report dated 26.09.2025 has been received from the Investigating Officer. A perusal of above said report reveals that statements of the concerned persons, i.e. the victim/complainant and the accused, have been recorded in the present case, who have stated that the matter has been settled between them and they have no objection if the offence is compounded at the stage of instant revision petition. The compromise effected between them has been genuine, and without any undue influence & coercion.

8. As far as the offence allegedly committed by the petitioners is concerned, the offence punishable under Sections 323, 325 and 34 IPC, for which the petitioner has been prosecuted, are compoundable. If the facts and circumstances pertaining to present case are analysed in the backdrop of relevant legal principles, it transpires:-

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- i) that the occurrence involved in the present case is purely personal and private in nature;
- ii) that there is no criminal history of the petitioner(s);
- iii) that it does not involve heinous and serious offence of mental depravity;
- iv) that the action of petitioner(s) do not have a serious impact on the society; and
- v) that the cause of administration of criminal justice system would remain unaffected on acceptance of the amicable settlement between the parties.
- vi) that the accused and the private respondent(s) have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;
- vii) that a perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means,
- viii) that the victim has willingly consented to the nullification of criminal proceedings;
- ix) that there is no objection from the private respondents in case present FIR and consequent proceedings are quashed;
- x) that in the given facts, the occurrence does not affect public peace or tranquility, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;
- xi) that the rejection of compromise may lead to ill will and the pendency of trial affects career and happiness;



- xii) that there is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, and professional offender;
- xiii) that the exercise of the inherent power for quashing the conviction, sentence and all previous proceedings are justified to secure the ends of justice.

9. With regard to compounding, on the basis of compromise the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052**, held that the High Court has the power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence(s) and quash the proceedings, where the High Court is of the view that the same was required to prevent the abuse of the process of law or otherwise to secure the ends of justice.

10. While dealing with similar situation, this High Court in **CRR No.172 of 2022**, titled as '**Sukhwant Singh Vs. State of Punjab & Anr.**', observed that the Court has power to set aside the judgment of conviction passed against the accused on the basis of a valid compromise.

11. Similar view has been taken by the Hon'ble Court of India in the case of '**Kaushalya Devi Massand Vs. Roopkishore Khore**', **2011(2) RCR (Criminal) 298**, wherein it has been observed that since the compromise would serve as ever-lasting tool in favour of parties, the revisional jurisdiction of the High Court in terms of Section 401 Cr.P.C. would result in bringing about ends of justice between the parties.

12. The ratio of judgment of Hon'ble Supreme Court in the case of '**Damodar S. Prabhu vs. Sayed Babalal**, **AIR 2010 (SC) 1097**, further

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fortifies the abovementioned observations, wherein compromise at the appellate/revisional state has been upheld.

13. In view of afore-referred principles of law, and after perusing the report of the Investigating Officer, regarding amicable settlement between the petitioners and respondent No.2, this Court finds that compounding of offence will accord a quietus to all disputes between the parties and it is in the interest of both sides to bury the hatchet and lead a peaceful life. Thus, no useful purpose would be served in continuing the proceedings and in order to secure the ends of justice, by accepting the present revision petition the impugned judgment of conviction and order of sentence deserves to be set-aside.

14. Resultantly, the present petition is allowed and the impugned judgment of conviction and order of sentence are hereby set aside and the petitioner is acquitted of the charges framed against him.

15. Pending miscellaneous application(s), if any, also stands disposed of.

(SURYA PARTAP SINGH)

JUDGE

30.10.2025

Kapil

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No