

2025:PHHC:036014



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

**CRR-2393-2019 (O&M)
DECIDED ON: 17.03.2025**

VIJAY KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CRR-2254-2019 (O&M)

SARWAN

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

Vide this common order, this Court intends to dispose of above-said two criminal revision petitions one bearing *No.CRR-2393-2019 titled as Vijay Kumar vs. State of Punjab* another bearing *No.CRR-2254-2019 titled as Sarwan vs. State of Punjab*, as both have arisen out of the same judgment passed in the same FIR. Just to avoid repetition, the facts are being taken from CRR-2393-2019.

The revision petitions have been preferred against the impugned judgment/order dated 15.07.2019 passed by learned Additional Sessions Judge, Jalandhar, whereby the appeal preferred by the petitioner against the judgment of conviction and order of sentence dated 14.02.2017 passed Ld. Sub Divisional Judicial Magistrate, Nakodar, vide which the petitioner has been convicted under section 420 read with Section 120-B of IPC and has been sentenced to undergo RI for a period of 2 years alongwith fine to the tune of Rs.1000/-; in default thereof to further undergo SI for 10 days, has been upheld.

During the pendency of present revision petition, the petitioner has filed an application bearing CRM-7623-2024 seeking direction to the trial Court to record the statement of petitioner and complainant, in view of the compromise dated 26.11.2019 executed between them.

Since the matter has amicably settled between the parties, this Court directed petitioner as well as *de facto* complainant to appear before the Mediation and Conciliation Center of this Court vide order dated 16.04.2024 and report of the Mediator is called for.

In pursuance thereof, the report of the Mediator dated 01.05.2024 has been received. The relevant portion of the report reads as under:-

1. That the first party at Sr. No.1- Vijay Kumar has filed CRR-2393-2019 and first party at Sr. No.2- Sarwan has filed CRR-2254-2019 against their conviction in FIR No.46 dated 27.02.2009, under section 420, 120-B IPC, P.S. Nakodar (Sadar), District Jalandhar. The said FIR was registered at the instance of Harjit Singh- second party. During pendency of the proceedings, Hon'ble High Court has referred these matters to Mediation & Conciliation Centre vide order dated 16.04.2024.

2. *The undersigned was appointed as Mediator for the aforesaid matter. The mediation sessions were held with the parties.*

3. *The parties with the assistance of undersigned Mediator/Conciliator have voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences in following manner:-*

(i) That the second party had registered the said FIR against the first parties and now an amicable settlement has been arrived and this settlement deed has been reduced into writing qua the above said criminal case.

(ii) That second party herein has no objection if the conviction of the first parties is set aside by the Hon'ble High Court.

(iii) That the second party is ready to give the statement before the Hon'ble High Court at Chandigarh as and when required.

(IV) That both the parties have already effected a compromise with each other on 26.11.2019. That both the parties shall remain bound by all the terms and conditions of the compromise dated 26.11.2019 which is on record in both the above-mentioned petitions.

(v) Both the parties undertake not to file any civil or criminal case against each other arising out of the present dispute.

4. *The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement/Agreement in the presence of the Mediator/Conciliator. The present Settlement/Agreement has been executed without any pressure or undue influence upon each other by either of the parties.*

5. *All the parties have undertaken and agreed that they will not file any other case against each other or their family members from today itself qua the present dispute.*

6. *By signing this agreement the parties hereto state that they have no further claims or demands against each other with*

respect to the present dispute and all the disputes and differences in this regard have been amicably settled by the parties hereto through the process of Conciliation/Mediation and shall not institute any other case against each other with reference to the present dispute in future.

7. That the parties to the present settlement shall be bound by the terms and conditions of this settlement. 8

8. That the parties to this settlement/agreement hereby state that they have read the settlement/agreement and that they have understood the contents thereof and their execution of agreement is voluntary and have put their respective signatures after admitting the contents of the same to be correct.

9. That it has been further agreed between the parties that in case of necessity, both the parties shall be free to present the copy of the above agreement before any authority or Court if the same is required to witness the execution of the settlement/agreement or to settle any pending controversy between the parties.

10. Self attested photo copies of Identity Proofs of the parties are attached herewith.

The parties involved in this matter have reached a mutual decision to put their differences aside and live in peace, effectively "burying the hatchet" and bringing an end to their disputes. They have chosen to lay down their arms, both literal and figurative, and work towards a harmonious co-existence. This decision marks a significant turning point in their relationship, as they shift their focus from conflict to understanding and cooperation. By choosing to bury the hatchet, the parties are committing to a path of reconciliation and peace, and are eager to move forward in a positive and constructive manner.

In the light of above, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings is likely to be a waste of judicial time.

Hence both the petitions are allowed and the judgments passed by both the Courts below are set aside and the petitioners are ordered to be released from custody, if not required in any other case.

Pending application(s), if any shall dispose off accordingly.

17.03.2025

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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>