



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

CRR-1371-2018 (O&M)

Date of Decision: 21.02.2025

SANJAY KUMAR

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sarfaraj Hussain, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

Mr. Bhriagu Agnihotri, Advocate for
Mr. Rajesh Bhateja, Advocate for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. Present revision petition has been filed against the judgment dated 03.04.2018 passed by learned Additional Sessions Judge, Faridabad vide which the judgment of conviction and order on quantum of sentence dated 17.05.2017/18.05.2017 passed by learned Judicial Magistrate Ist Class, Faridabad have been upheld, vide which the petitioner has been convicted under Sections 279, 337 and 338 of Indian Penal Code and sentenced to undergo rigorous imprisonment for one year and total fine of Rs. 2,000/- was imposed upon him in case bearing FIR No. 07 dated 01.01.2015 registered at Police Station Mujessar, Faridabad.
2. Feeling aggrieved against both the aforesaid judgments and order of sentence, the petitioner has filed this revision petition.
3. As per prosecution version, present case was registered on the written complaint of complainant/injured Varul Ahmad wherein he submitted that on 29.12.2014 at about 4:00 p.m. he along with his employee Suresh were going towards Sohna 'T' point via Hardware Chowk,

on his motorcycle, bearing registration No.HR-29AC-5180 and he was driving the said motorcycle whereas Suresh was pillion rider. When they reached near Lakhani Chowk, all of a sudden, a three wheeler which was ahead of their motorcycle took turn towards right side, without giving any indication, due to which their motorcycle hit with the said three wheeler and he as well as Suresh sustained injuries. People gathered at the spot and the complainant noted down the registration number of the offending three wheeler as HR-38T-5567. Both injured i.e. complainant and said Suresh went to Manchanda Hospital and took some treatment. Thereafter they were shifted to B.K. Hospital, Faridabad. Complainant prayed to take legal action against the appellant/convict.

4. Learned counsel for the petitioner *inter alia* contends that petitioner has placed on record the compromise (Annexure A-1) before this Court and on this ground, his sentence was suspended by this Court vide order dated 13.07.2018.

5. Learned counsel for the complainant-respondent No. 2 submits that compromise arrived at between the parties is without any pressure and for the actual benefit and harmony of the petitioner and respondent No. 2 as the petitioner and respondent No. 2 are residents of same vicinity and complainant has no objection, in case the offence under Sections 337, 279 and 338 of Indian Penal Code are compounded which are non-compoundable and the judgment dated 03.04.2018 passed by learned Additional Sessions Judge, Faridabad and judgment of conviction and order on quantum of sentence dated 17.05.2017/18.05.2017 passed by learned Judicial Magistrate Ist Class,

Faridabad are set aside and petitioner is acquitted of the charges levelled against him.

6. In view of the compromise and the ratio of law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No. 07 dated 01.01.2015 registered at Police Station Mujessar, Faridabad alongwith judgment dated 03.04.2018 passed by learned Additional Sessions Judge, Faridabad and judgment of conviction and order on quantum of sentence dated 17.05.2017/18.05.2017 passed by learned Judicial Magistrate Ist Class, Faridabad are quashed/set aside. Petitioner is acquitted of the charges framed against him. His bail bonds and surety bonds stand discharged.

(HARPREET SINGH BRAR)
JUDGE

21.02.2025
Ajay Goswami

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