

CRR-2895-2025

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

131

CRR-2895-2025 (O & M)
Date of decision: 08.12.2025

Amarjit Thapar

...Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Surinder Sharma, Advocate, for the petitioner.

Ms. Gagandeep Kaur, DAG, Punjab.

Mr. Lovish Rattan, Advocate, for respondent No.2.

AMAN CHAUDHARY, J.

1. The present revision petition has been filed challenging the judgment dated 15.09.2025 passed by learned Additional Sessions Judge, Kapurthala, dismissing the appeal filed against the judgment/order dated 17.02.2020 passed by learned Addl. Chief Judicial Magistrate, Kapurthala, whereby the petitioner was convicted and sentenced as under:

Section	Punishment
420 IPC	To undergo R.I. for period of 2 years and to pay fine of Rs.4,000/- and in default of payment of fine, he shall further undergo R.I., for one month.

2. The facts in brief are that the complainant had made the payment of Rs.2,22,000/- in total to the petitioner-accused for sending his son to Australia, but the latter had neither kept his promise nor returned the money and committed the offence of cheating with the former, whereupon FIR under Section 420 IPC was got registered. After



CRR-2895-2025

-2-

completion of the investigation, challan was presented, on the basis of which charges were framed, to which the accused pleaded not guilty and claimed trial.

3. In order to bring home the guilt of the accused, the prosecution examined as many as 10 witnesses. On closure of the prosecution evidence, statement of the accused was recorded under Section 313 Cr.P.C. He denied all the incriminating circumstances appearing against him while pleading false implication. In defence, no witness was examined.

4. On scrutinizing the evidence led by the parties, the trial Court convicted and sentenced the petitioner as noticed above.

5. Aggrieved petitioner had filed an appeal, which was dismissed by learned Additional Sessions Judge, Kapurthala, vide impugned judgment dated 15.09.2025.

6 Challenge to the aforesaid judgment has been made in the present revision petition.

7. Learned counsel for the petitioner submits that during the pendency of the present petition, the matter stands compromised between the parties with the intervention of the respectables. The petitioner is a first time offender. Since both the parties are co-villagers and the incident is of the year 2015, he prays for compounding of the offence in view of the law laid down in **Ramgopal vs. State of M.P.**, 2021 SCC OnLine SC 834 and **Surat Singh vs. State of Uttaranchal**, (2012) 12 SCC 772.



CRR-2895-2025

-3-

8. Learned counsel appearing for the complainant-respondent No.2 has no objection with regard to the prayer made by the petitioner and states that a valid compromise has been effected between the parties and there remains no grievance.

9. Heard.

10. It is apparent that during pendency of the present revision petition, the parties have entered into a compromise and amicably settled the dispute. In this regard, reference is made to the compromise deed dated 17.10.2025, Annexure P-1, wherein it has been mentioned that upon the intervention of the respectable persons of village, society and relatives, all the doubts and misconceptions have been clarified, all the disputes have been resolved and an amicable compromise was arrived at before the Panchayat. The complainant-respondent No.2 has also given his no objection for compounding the offence and setting aside the judgment of the conviction/ order of sentence dated 17.02.2020 as well as appeal against the same, which was dismissed vide order dated 15.09.2025.

11. In pursuance of the order dated 17.11.2025, a report dated 29.11.2025 has been received from learned Judicial Magistrate, Ist Class, Kapurthala. A perusal of the same reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between them and they have no objection in case the conviction is set aside. The compromise effected between them is genuine, without any undue influence and coercion. It is



CRR-2895-2025

-4-

stated in the report that there is only one accused, who has neither been declared as proclaimed offender nor involved in any other FIR.

12. Hon'ble The Supreme Court in **Ramgopal** (supra) while acquitting the accused on the basis of the compromise arrived at between the parties had observed that, "We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences 'compoundable' within the statutory framework, the extra-ordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind : (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations."

13. This Court, in **Kamal vs. Sunil Kumar**, CRR-1535-2021 decided on 25.11.2021 observed and held that "as per Section 320(6) of the Cr.P.C, the High Court or the Court of Sessions, as the case may be, even while exercising the powers of revision as envisaged under Section 401 of Cr.P.C can compound the offence." Further, while compounding a non-compoundable offence after a compromise had been effected, this Court in **Sube Singh and another vs. State of Haryana and another**,



CRR-2895-2025

-5-

2013(4) RCR (Criminal) 102 had held that, “we are of the considered view that the negation of the compromise would disharmonize the relationship and cause a permanent rift amongst the family members who are living together as a joint family. Non-acceptance of the compromise would also lead to denial of complete justice which is the very essence of our justice delivery system. Since there is no statutory embargo against invoking of power under Section 482 CrPC after conviction of an accused by the trial Court and during pendency of appeal against such conviction, it appears to be a fit case to invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.”

14. Applying the ratio of the abovesaid judgment to the facts of the present case that the petitioner has clean antecedents; parties are co-villagers, who have amicably resolved the dispute, that relates to the year 2015; thus, no useful purpose would be served by prolonging the matter and it will be in the larger interest of the village community in general and parties in particular, that the prayer for compounding the offence is accepted. The judgment of conviction and order of sentence passed by the Courts below are set aside. As such, the present revision petition is disposed of. The bail bonds of the petitioner shall stand discharged forthwith.

(AMAN CHAUDHARY)
JUDGE

08.12.2025

ashok

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No