



CRA-S-528-SB-2005 (O&M)

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

CRA-S-528-SB-2005 (O&M)

Reserved on : 28.04.2026

Pronounced on : 30.04.2026

Mahipal & Ors.

..... Appellants

VERSUS

Satpal

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Keshav Pratap Singh, Advocate
for the appellants No.1 to 6.

Appeal stands abated qua appellant No.7
vide order dated 06.02.2019.

Mr. Dharamvir Singh, Advocate and
Mr. Mayank Sarpal, Advocate for the respondent.

SURYA PARTAP SINGH, J.

The present appeal has been filed by the appellants against the judgment of conviction dated 18.02.2005 and order of sentence dated 21.02.2005, passed by the Court of learned Additional Sessions Judge (Fast Track Court) Bhiwani, hereinafter being referred to as 'trial Court' only.

2. Briefly stating the facts emerging from record are that a complaint under Sections 148, 307, 325, 323, 452, 506, 149 of Indian Penal Code and Section 27 of Arms Act, Police Station Sadar Bhiwani, was filed by the respondent/complainant, hereinafter being referred to as 'respondent' only, against the appellants. The abovementioned complaint led to a trial,

which culminated into conviction of the appellants. The learned trial Court held the appellants guilty and convicted them, for the commission of offence punishable under Sections 148, 325, 149, 323 of IPC. In the abovementioned complaint, the benefit of probation was accorded to the appellant No.1- Mahipal and he was ordered to be released on furnishing probation bonds in the sum of Rs.20,000/- with one surety in the like amount for a period of one year subject to his good conduct, behaviour and keeping peace, whereas, remaining appellants No.2 to 7 were sentenced as under:-

Sr. No.	Name of convict	Offence under Sections	Sentence
1.	Brij Pal	148 of IPC	Rigorous imprisonment for a period of six months and to pay a fine of Rs.200/- and in default thereof to further undergo simple imprisonment for a period of one month.
2.	Ved Pal		
3.	Kiranpal		
4.	Dalbir	325/149 of IPC	Rigorous imprisonment for a period of two years and to pay a fine of Rs.200/- and in default thereof to further undergo simple imprisonment for a period of one month.
5.	Mohan		
6.	Parkash	323/149 of IPC	Rigorous imprisonment for a period of six months and to pay a fine of Rs.100/- and in default thereof to further undergo simple imprisonment for a period of 15 days.

All the sentences were ordered to run concurrently.

3. Aggrieved of the abovementioned judgment of conviction and



order of sentence, the present appeal has been preferred by the appellants.

4. Heard.

5. Now it has been alleged by the appellants that with the intervention of respectables of the society, they have reached to a compromise and in view of compromise the injured/complainant in this case, i.e. respondent No.2, has agreed to compound the offence. In support of their abovementioned contentions, the appellants have placed on record the original settlement agreement executed before the learned Mediator between the parties. The contents of abovementioned agreement shows that in very specific categorical and unequivocal words the victim/complainant/respondent No.2 has expressed that he does not want to pursue any prosecution against the appellants. According to the victim/complainant/respondent No.2, he does not want any legal action against the appellants.

6. In order to lend credence to the abovementioned contents of the agreement executed with the respondent, the learned counsel for the respondent has put in appearance and stated, at bar, that the plea raised by the appellants with regard to compromise and compounding of offence is true.

7. Vide order dated 14.11.2018, the learned counsel for the parties had informed that during the pendency of the appeal, the parties have entered into a compromise and to test the genuineness of the compromise, vide order dated 06.02.2019 the matter was referred to the Mediation and Conciliation Centre of this Court, for recording of statements of the parties regarding the compromise entered into between them. On that day the matter was adjourned to 22.02.2019 for awaiting report of learned Mediator.

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However, during the pendency of the present appeal, appellant No.7-Parkash passed away and vide order dated 06.02.2019, the present appeal was abated qua him.

8. Pursuant to the aforesaid order, the report/Settlement Agreement of learned Mediator dated 06.02.2019 has been placed on record. A perusal of abovesaid report/agreement reveals that statements of the concerned persons, i.e. the victim/complainant and the accused persons (the appellants herein), have been recorded, who have stated before the learned Mediator that all the disputes/differences in this regard have been amicably settled between them and they shall not institute any other case against each other regarding the instant dispute against each other. The compromise effected between them has been reported to be genuine, and without any undue influence & coercion.

9. The record has been perused carefully.

10. As far as the offence allegedly committed by the appellants is concerned, the offence punishable under Sections 148 and 149 of IPC, for which the appellants have been prosecuted, is non-compoundable. If the facts and circumstances pertaining to present case are analyzed in the backdrop of relevant legal principles, it transpires:-

- 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 appellant(s);
- iii) that it does not involve heinous and serious offence of mental depravity;

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



11. In the case of ‘Ramji Lal v. State of Haryana’ (1983) 1 SCC 368, the Hon'ble Supreme Court of India in the matter arising against the conviction under Section 325 of IPC, held that *‘all the offences for which the appellants are convicted are compoundable and the compromise can be entered into with the permission of the Court. Looking to the chastened attitude of the accused and the commendable attitude of the injured complainant, in order to restore harmony in the society, we accept the compromise. We grant permission to enter into the compromise and accept the same. We accordingly allow the appeal and set aside the conviction and sentence imposed on both the appellants. If they are on bail, their bail-bonds will be cancelled. If they are in jail, they will be released from the jail forthwith’*.

12. The Hon'ble Supreme Court of India in the case of ‘Mohd. Rafi v. State of U.P.’ 1998(2) RCR (Criminal) 455, held that the convict had gone to this Court against his conviction by the trial Court under Sections 323 and 325 of IPC, which was upheld by Sessions and High Court. After that, the convict and the victim entered into an out-of-court compromise. The Hon'ble Supreme Court of India analyzed the parties' affidavits filed in support of the compromise and observed that parties had willingly and voluntarily settled the matter. To maintain good relations, the Hon'ble Supreme Court of India granted permission to them to compound the said offences and order the acquittal.

13. In ‘Dasan v. State of Kerala’ (2014) 12 SCC 666, the Hon'ble Supreme Court of India converted the conviction from 326 IPC to 325 IPC



and, based on compromise, accepted the compounding of the offence under Section 325 IPC and acquitted the appellant’.

14. Similarly, in the case of ‘Sathiyamoorthy & Ors. V/s State represented by the Inspector of Police, Madurai’ 2014(13 SCC 52, the Hon’ble Supreme Court of India observed that *‘the offence under Sections 341 and 325 of IPC, for which the appellants are convicted, are permitted to be compounded because they are compoundable and the appellants are acquitted of the said offences’*.

15. The ratio of judgment of Hon’ble Supreme Court in the case of ‘Damodar S. Prabhu vs. Sayed Babalal’, AIR 2010 (SC) 1097, further fortifies the abovementioned observations, wherein compromise at the appellate/revisional state has been upheld.

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

17. In view of afore-referred principles of law, and after perusing the settlement agreement, regarding amicable settlement between the appellants 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, it is hereby held that no useful purpose would be served in continuing the proceedings and in order to secure the ends of justice, by accepting the

present appeal the impugned judgment of conviction and order of sentence deserves to be set aside.

18. In view of above-discussed principles of law, as well as the fact that the parties have arrived at a compromise, on the basis of compounding of offence, the present appeal is hereby *allowed*, and the impugned judgment of conviction and order of sentence are hereby set aside and the appellants are acquitted of the charges framed against them. Their bail bonds are hereby discharged.

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

(SURYA PARTAP SINGH)
JUDGE

30.04.2026
Gaurav Thakur

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