

(2025) 08 P&H CK 0911
In the Punjab And Haryana At Chandigarh
Case No : CRR Of 221 Of 2020

Ravi Kumar

APPELLANT

Vs

State of Punjab and another

RESPONDENT

Date of Decision : 27-08-2025

Acts Referred:

Indian Penal Code, 1860 — Section 498(A)
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528
Code of Criminal Procedure, 1973 — Section 482

Citation : (2025) 08 P&H CK 0911

Hon'ble Judges : Namit Kumar, J

Bench : Single Bench

Advocate : Arnav Sood, Anup Singh, Iklavya Gupta,

Final Decision : Disposed Of

Judgement

Namit Kumar, J

1. The Petitioner has filed the instant revision petition challenging the judgment of conviction and order of sentence dated 27.03.2018 passed by learned Judicial Magistrate 1st Class, Hoshiarpur, whereby the petitioner has been convicted and sentenced to undergo rigorous imprisonment for a period of one year under Section 498-A of Indian Penal Code, 1860 (for short 'the IPC') and judgment dated 30.11.2019 passed by the learned Additional Sessions Judge, Hoshiarpur, whereby an appeal filed by the petitioner against the aforesaid judgment of conviction and order of sentence dated 27.03.2018, has been dismissed.

2. Brief facts of the case are that respondent No.2 (wife of the petitioner) made a complaint to the police that her marriage was solemnized with Ravi Kumar (the present petitioner) on 11.12.2008. A son was born out of the said wedlock. After sometime, she came to know that her husband has illicit relations with another girl as she had caught them red handed in a moving car regarding which her husband had apologized in writing in Police Station Model Town. However, her husband did not mend his ways and threatened to kill her and attacked her with

a sword. She further alleged that her husband forced her to give divorce as he wanted to live with another girl. Earlier also, she had moved an application to Senior Superintendent of Police, Hoshiarpur, but no action was taken on the same, rather her signatures were obtained fraudulently and her case was closed. It has been further alleged that her mother-in-law Kulwinder Kaur is also hand in glove with the petitioner, who used to taunt her for bringing less dowry. The complainant was also subjected to beatings by her sister-in-law who had left her matrimonial home and was living with them. After completion of enquiry, FIR No.25 dated 26.02.2013 under Section 498-A of IPC was registered against the petitioner and his mother Kulwinder Kaur and thereafter, challan was presented before the Trial Court.

3. After hearing both the parties and perusing the evidence on record, learned Judicial Magistrate 1st Class, Hoshiarpur, vide judgment of conviction and order of sentence dated 27.03.2018, convicted and sentenced the petitioner under Section 498-A of IPC to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.500/- and in case of default of payment of fine, to further undergo simple imprisonment for seven days. The said judgment of conviction dated 27.03.2018 was challenged by the petitioner by filing an appeal before the learned Additional Sessions Judge, Hoshiarpur, which was dismissed, vide order dated 30.11.2019. Hence the instant revision petition.

4. During the pendency of the present petition, matter has been amicably settled between the parties and they have arrived at a compromise dated 17.02.2021 and as such, vide order dated 31.08.2021, the parties were directed to appear before the Chief Judicial Magistrate, Hoshiarpur for recording their statements with regard to the compromise arrived at between the parties.

5. In compliance thereof, report dated 21.10.2021 from learned Chief Judicial Magistrate, Hoshiarpur has been received through learned District and Sessions Judge, Hoshiarpur with statements of the parties, in which, it has been mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

6. Learned counsel for the petitioner and respondent No.2 are ad idem that as the matter stands compromised, vide compromise deed dated 17.02.2021 (Annexure A-2), application bearing No.CRM-20599-2025 filed by the petitioner under Section 528 of BNSS, 2023 for compounding the offence may be allowed and permission may be granted to the parties to compound the offence under Section 498-A of IPC, in lieu of which, the impugned judgments passed by the learned trial Court and the learned Appellate Court may be set aside and the petitioner be acquitted of the charge.

7. I have heard learned counsel for the parties and perused the relevant documents.

8. The Hon'ble Supreme Court in Ramgopal and another Vs. State of Madhya Pradesh : 2021(4) RCR (Criminal) 322, has held that in non-compoundable cases

of pre-dominantly private nature, even if compromise is reached after conviction, the proceedings can be quashed under Section 482 Cr.P.C. Further, the compromise in the present case is found to be fully covered in consonance with judgments and the directions issued by the Court in Kulwinder Singh & Ors. Vs. State of Punjab : 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Another : 2012(4) RCR (Crl.) 543.

9. The Hon'ble Supreme Court in Criminal Appeal No.587 of 2017 (arising out of Special Leave Petition (Crl) No.4088 of 2011) titled as 'A.T. Sivaperumal Vs. Mohammed Hyath (D) by LRs.' decided on 27.03.2017, has held that once the settlement between the parties has been arrived at, the conviction can be set aside. Similar view has been taken by a Co-ordinate Bench of this Court in the case of Jagmohan Vs. Sandeep Aggarwal and another : 2021(4) RCR (Criminal) 86.

10. In view of the above judicial precedents and the fact that the parties have compromised the matter and have decided to keep harmony between them to live peacefully in future, this Court grants permission to compound the offence.

11. Consequently, the impugned judgment of conviction and order of sentence dated 27.03.2018 passed by the learned Judicial Magistrate 1st Class, Hoshiarpur and the judgment dated 30.11.2019 passed by the learned Additional Sessions Judge, Hoshiarpur, are set aside and the petitioner stands acquitted of the charge under Section 498-A of IPC, subject to deposit of costs of Rs.25,000/- by the petitioner with the Punjab State Legal Services Authority, Chandigarh within a period of two months from today.

12. The instant petition is disposed of accordingly.

13. Pending application(s), if any, stand disposed of in view of the abovesaid judgment.