

**(2000) 07 P&H CK 0166**

**In the Punjab And Haryana At Chandigarh**

**Case No :** Criminal Revision No. 958 of 1987 and Criminal Miscellaneous No. 12079 of 2000

Roshan

APPELLANT

Vs

Smt. Jai Janti

RESPONDENT

---

**Date of Decision :** 21-07-2000

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 320(8)  
Penal Code, 1860 (IPC) — Section 494

**Citation :** (2001) 1 DMC 306 : (2000) 4 RCR(Criminal) 216

**Hon'ble Judges :** V.K. Bali, J

**Bench :** Single Bench

**Advocate :** R.S. Sihota, for the Appellant; Dheeraj Chawla, for the Respondent

**Final Decision :** Allowed

---

## **Judgement**

V.K. Bali, J.—Judgment in this case was reserved. However, before the orders could be pronounced CrI. Misc. No. 12079 of 2000 has been filed u/s 320 of the Code of Criminal Procedure read with Section 482 of the said Code for permission to compromise. The application has been filed by Smt. Jai Janti, the first wife of petitioner Roshan son of Rajoo Ram, resident of village Gharrot, District Faridabad. It has inter alia, been pleaded in the application that the elder brother of the petitioner namely Harnarain, died leaving behind his widow Smt. Dayawanti and on account of family circumstances, the applicant Smt. Jai Janti and Dayawanti were living together. The applicant has got one child from the wedlock and that at present for the last three years, the petitioner and the applicant are living together happily and further that the applicant has no interest to prosecute the present revision and in the interest of family and children, the parties be permitted to compound the offence and for that reason the revision petition be allowed. The application is supported by the affidavit of Jai Janti who is present in Court. Her statement has separately been recorded. She is identified by Lakhmi Chand who is also present in Court and he states that he is the real brother of the second wife of Roshan. He also confirms compromise

having been arrived at between the parties.

2. In pursuance of the notice that was issued in this case, Mr. Dheeraj Chawla, Advocate, appears on behalf of the Advocate General, Haryana. After verifying he states that the offence u/s 494 of the Indian Penal Code can be permitted to be compounded even after conviction has been recorded u/s 320(6) of the Code of Criminal Procedure, Mr. Sihota, learned Counsel representing the applicant also cites judgment of the Supreme Court in Khyaza Nizamudin v. State of Andhra Pradesh 2000 (7) SC 561 : 7 (2000) SLT 317= 4 (2000) CCR122 (SC), to contend that the parties can be permitted to compound.

3. In view of what has been said above, the parties are permitted to compound the offence. That being so, the orders passed by the learned Magistrate convicting and sentencing the petitioner and order that was confirmed by the Appellate Court are set aside. The petitioner is acquitted as per provisions contained in Section 320(8) of the Code of Criminal Procedure and the revision is accordingly allowed.