

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

**Criminal Misc.No.M-39440 of 2016 (O&M)
Date of Decision : 14.02.2018**

Tarsem Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. V.G.Jauhar, Senior DAG, Punjab

Mr. G.S.Rawat, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J. (Oral)

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing his conviction/sentence awarded in Criminal Case No.17 dated 20.01.2006 titled as Bishan Singh vs. Tarsem Singh under Sections 195, 340 Cr.P.C. vide judgment dated 13.02.2014, passed by the learned Judicial Magistrate Ist Class, Gurdaspur, on the basis of compromise by way of affidavit of respondent No.2 dated 29.10.2016 (Annexure P-3).

The petitioner, namely, Tarsem Singh, was convicted of the offences under Section 471 IPC by the court of the Ld. Judicial Magistrate Ist Class, Gurdaspur on 13.02.2014.

Now, the present petitioner has also compromised with the complainant by way of compromise (Annexure P-3).

Vide order dated 07.11.2016, the parties were directed to appear

before the trial court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Judicial Magistrate Ist Class, Gurdaspur wherein it has been reported that statements of the parties have been recorded and compromise arrived at between them is voluntarily and without any pressure, threat or coercion.

I have considered the judgment of **Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102** in which it has been observed that compounding of offence can be allowed even after conviction i.e. during proceedings of the appeal against conviction, pending before the first appellate court even in case involving non-compoundable offence.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court in **'Gian Singh v. State of Punjab and another', 2012 (4) R.C.R. (Criminal) 543** and in the light of facts and circumstances discussed hereinbefore, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that the same be put to an end.

For the foregoing reasons, the petition is allowed and judgment of conviction and order of sentence dated 13.02.2014 are *set aside*. Consequently, Criminal Case No.17 dated 20.01.2006 titled as Bishan Singh vs. Tarsem Singh under Sections 195, 340 Cr.P.C. and proceedings emanating therefrom on the basis of compromise (Annexure P-3) stands quashed qua the petitioner.

14.02.2018

mamta-M

Whether speaking/reasoned

*Whether Reportable :***(RAJ SHEKHAR ATTRI)****JUDGE**

Yes/No

Yes/No