

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

245

CRR-1458-2018 (O&M)

Date of Decision: 18.04.2023

Gurwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. H.S. Randhawa, Advocate for the petitioner

Mr. Shiva Khurmi, AAG, Punjab

Mr. Sunny Singla, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition is seeking setting aside of judgment dated 06.04.2018 whereby Additional Sessions Judge-I, Sangrur has dismissed appeal of the petitioner and upheld judgment of conviction and order dated 15.05.2017 passed by Sub-Divisional Judicial Magistrate, Malerkotla.

2. Learned counsel for the petitioner *inter alia* contends that learned Magistrate vide judgment dated 15.05.2017 held the petitioner guilty of commission of offence punishable under Sections 354 & 506 of Indian Penal Code, 1860 (for short 'IPC'). Learned Magistrate further awarded sentence of 2 years under Section 354 of IPC and 6 months under Section 506 of IPC. The petitioner preferred an appeal which came up for consideration before learned Additional Sessions Judge, Sangrur who vide impugned order dated 06.04.2018 dismissed appeal of the

petitioner though it was allowed qua co-accused. The petitioner during the pendency of present petition before this Court has compromised the matter with complainant and alleged offence at the time of occurrence was compoundable, thus, present petition deserves to be allowed and impugned judgment needs to be quashed.

3. Mr. Sunny Singla, learned counsel for the complainant confirms the factum of compromise arrived at between the parties and further submits that he has no objection, if present petition is allowed and impugned judgment is set aside.

4. Learned State counsel does not dispute the above-stated factual position.

5. I have heard the arguments of learned counsels for the parties and scrutinized the record with the able assistance of both sides.

6. From the perusal of record, it is quite evident that alleged offence was committed on 17.07.2006 and FIR came to be registered on 21.07.2006. The petitioner has been convicted for commission of offence punishable under Section 354 and 506 IPC. Section 320 Cr.P.C. was amended with effect from 31.12.2009 whereby offences punishable under Section 354 IPC has been made non-compoundable. As per judgment of Hon'ble Supreme Court in ***Md. Abdul Sufan Laskar and Others Versus State of Assam 2008(9) SCC 333*** and judgment of Rajasthan High Court in ***Matadeen Versus State of Rajasthan S.B. Criminal Appeal No.892 of 2004***, the offences which have been made

non-compoundable post commission of offence, may be compounded at any stage including appellate stage.

7. Respectfully following the judgments of Hon’ble Supreme Court in *Md. Abdul Sufan Laskar’s case (supra)* and Rajasthan High Court in *Matadeen’s case (supra)*, I am of the considered opinion that in view of compromise effected between the parties and in view of statements made by learned counsel for the complainant as well as learned State counsel, the present petition deserves to be allowed and accordingly allowed. Judgment dated 06.04.2018 passed by Additional Sessions Judge-I, Sangrur and judgment of conviction and order of quantum of sentence dated 15.05.2017 passed by Sub-Divisional Judicial Magistrate, Malerkotla are hereby set-aside.

Pending applications also stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

18.04.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>