

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

Date of decision:24.09.2015.

Ramandeep Singh

.....Petitioner

v.

State of Punjab and another

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.HS Jalal,Advocate for the petitioner
Mr.Kirat Singh Sidhu,Deputy Advocate General
for State of Punjab with HC Pala Singh
Mr.KBS Mann,Advocate for respondent no.2/complainant

Jaswant Singh,J.(Oral)

The prayer is for quashing of the complaint no.164-1 dated 19.9.2007(Annexure P-1) and also for setting aside the judgment dated 4.2.2014 passed by the learned Sub Divisional Judicial Magistrate, Gidderbaha (Annexure P-2) of the conviction based on a compromise (Annexure P-3) during the pendency of appeal before the learned Additional Sessions Judge, Sri Muktsar Sahib.

In support, learned counsel for the petitioner has relied upon judgment of Hon'ble Division bench of this Court reported as **Sube Singh and another v State of Haryana and another**, 2013(4) RCR (Criminal)102.

Learned counsel for the complainant has admitted the fact

of compromise and has no objection if the prayer on behalf of the petitioner is granted.

Learned State counsel states that since proceedings are pending before the first Appellate Court, this Court should restrain itself from exercising jurisdiction under Section 482 Cr.PC. The factum of compromise can be evaluated by lower Appellate Court.

After hearing counsel for the parties this Court is persuaded to accept the argument on behalf of the learned State counsel.

In the light of proceedings pending before the lower Appellate Court, the appropriate remedy for the petitioner is to approach the lower Appellate Court and apprise it regarding the compromise between the parties, who shall thereupon decide the matter in accordance with law.

Disposed of in the above terms.

24.09.2015.
joshi

(Jaswant Singh)
Judge