

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

CRM-M-29003-2018 (O&M)

Date of Decision:-12.7.2018

Satwinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harchand Singh Batth, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks setting aside of judgment dated 29.11.2016 passed by learned Judicial Magistrate 1st Class, Phagwara, whereby he has been convicted for having committed offence punishable under Section 409 of Indian Penal Code, 1860.

The learned counsel has submitted that the matter infact stands compromised with the complainant-society and also with all the affected persons including Kashmira Singh. It has,however, been informed that an appeal challenging judgment dated 29.11.2016 is pending before the Court of learned Additional Sessions Judge, Kapurthala and is fixed for 17.7.2018. The learned counsel for the petitioner has restricted his prayer and has submitted that the lower Appellate Court may be directed to take into account the factum of compromise, while deciding the appeal qua merits as well as qua sentence.

In view of the aforesaid position, the present petition is disposed of with a direction to the lower Appellate Court to look into

alleged compromise (Annexure P-4) and in case the same is found to be genuine then to take the same into account while finally disposing of the appeal in question, while also bearing in mind the fact that the petitioner is a senior citizen.

The present petition stands disposed of accordingly, while reserving the right of the petitioner to approach this Court for quashing of FIR on the basis of compromise.

12.7.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No