

(2012) 12 SC CK 0058

In the Supreme Court Of India

Case No : Criminal Appeal No. 2022 of 2012 (Arising out of Special Leave
Petition (Criminal) No. 7070 of 2012)

Surat Singh

APPELLANT

Vs

State of Uttaranchal (Now Uttarakhand) and Another

RESPONDENT

Date of Decision : 10-12-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 323, 354, 506

Citation : (2013) ALLMR(Cri) 791 : (2013) 1 RCR(Criminal) 1011 : (2013) 1
SCALE 1 : (2012) 12 SCC 772

Hon'ble Judges : H.L. Dattu, J;Chandramauli Kumar Prasad, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Leave granted.

2. This appeal, by special leave, is filed against the judgment and order passed by the High Court of Judicature of Uttarakhand at Nanital in Criminal Revision No. 161 of 2004, dated 23.03.2012. The accused person, revisionist therein, is before us in this appeal.

3. In the instant case, Respondent No. 2, Km. Purni Devi had filed an F.I.R. against the Appellant for outraging her modesty. After due investigation, charge-sheet was filed against the Appellant for offences punishable under Sections 323, 354 and 506 of the Indian Penal Code, 1860 (the "Indian Penal Code" for short).

4. The learned Chief Judicial Magistrate, Tehri-Garhwal in Criminal Case No. 921 of 2002, vide judgment and order dated 07.04.2003, has convicted the Appellant under Sections 354 and 506 of the Indian Penal Code and sentenced him to rigorous imprisonment of one year with fine and rigorous imprisonment of six months, respectively. Aggrieved by the aforesaid order, the Appellant had unsuccessfully appealed before the learned Sessions Judge, Tehri Garhwal, in Criminal Appeal No. 5 of 2003. The said appeal was rejected and the judgment

and order passed by the learned Magistrate was upheld, vide judgment and order dated 14.09.2003. The Appellant, against the aforesaid order and judgment, preferred Revision Petition No. 161 of 2004 before the High Court, wherein the High Court, vide the impugned judgment and order dated 23.03.2012, has dismissed it. The Appellant questions the correctness or otherwise of the impugned judgment and order in this appeal.

5. During the pendency of this appeal, we are informed by the learned Counsel appearing for the parties that the parties, namely, the Appellant-accused and Respondent No. 2 have entered into a compromise and, accordingly, Respondent No. 2 has filed an affidavit before this Court. The contents and terms of the said compromise are reproduced hereinbelow:

I, Km. Purni Devi, daughter of Shri Dhir Singh, R/o. Village Rampur Patti Kunjani, P.S. Chamba, District Tihri-Garhwal, presently at New Delhi, do hereby solemnly affirms under oath as following:

1. That I am the informant in FIR No. 31/98, dated 29.10.98 u/s 354, 323, 506 Indian Penal Code P.S. Chamba, Distt. Tihri-Garhwal, lodged against Surat Singh, S/o. Kamand Singh, R/o. Village Rampur, Patti-Kunjani, Tehsil Narendra Nagar, District Tehri-Garhwal, Uttarakhand.

2. That on the basis of aforesaid FIR dated 29.10.98 lodged by me against the aforesaid Surat Singh, S/o. Kamand Singh, who is my neighbour was put in trial and was convicted by Chief Judicial Magistrate Tihri Garhwal, New Tihri for the offences Under Sections 354, 506 Indian Penal Code and was awarded maximum sentence of 1 year R.I., Rs. 1000/- fine by judgment and order dated 7.4.2003 passed in Criminal Case No. 921/02. Appeal filed against the same was also dismissed by the Sessions Court and the High Court by judgment and order dated 23.3.2012 has dismissed the Revision filed by the aforesaid Surat Singh and affirmed the order of conviction passed by the trial Court.

3. That the aforesaid Surat Singh, S/o. Kamand Singh is my neighbour and his house is just adjacent to my house and we are living in the same village. Earlier there was old enmity of aforesaid Surat Singh with my father Shri Dhir Singh. The incident in relation to which I lodged FIR against the aforesaid Surat Singh is of the year 1998 and is quite old and continuation of dispute on the basis of said old incident, will only increase bitterness in my life. Hence myself and my family has decided to resolve all our dispute with the aforesaid Surat Singh, S/o. Kamand Singh so that no bitterness can be left in the environment of our village and we can set an example to live in peace and harmony by resolving all our disputes.

4. That I have entered into compromise with aforesaid Surat Singh and resolved all my disputes with him in a harmonious manner so that people of our village can live in peace and harmony and bitterness be left between us and our families.

5. That the family members of aforesaid Surat Singh informed me that he is in

jail pursuant to the order of conviction affirmed by the High Court and observing the sentence awarded. I wish that in the present matter our dispute may be settled in an amicable manner and we should set example for other persons of our village to resolve the dispute in a peaceful manner. I hereby affirm that I have no grievance left against the aforesaid Surat Singh, S/o. Kamand Singh and want to the controversy involved between me and aforesaid Surat Singh, to come to an end so that we can live in peace and harmony as good neighbours.

6. We have heard learned Counsel for the parties and, in particular, the learned Counsel appearing for Respondent No. 2. He submits that he has compromised the lis with the Appellant at her own will. In view of the above, while disposing of this appeal, we accord permission to compound the offences and the effect of this would be the acquittal of the accused with the offences he is charged with.

Ordered accordingly.