

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1979 OF 2017  
(Arising out of S.L.P. (CrI.) No. 6951 of 2017)

NINGAPPA

Appellant (s)

VERSUS

THE STATE OF KARNATAKA

Respondent (s)

O R D E R

Leave granted.

2. The present appeal arises against the impugned judgment/final order dated 01.07.2017 passed by the High Court of Karnataka, Bench at Kalaburagi in Criminal Appeal No. 3614/2011.

3. The genesis of the case relates to a complaint filed by one Suvarna on 12-09-2009 at the Sulepet Police Station of Gulbarga District stating that the Warden of the school where she works on daily wages, harassed her for sexual favours. Accordingly, Crime No.95/2009 was registered and after investigation, charges were framed against the accused-appellant.

4. The learned II Addl. Sessions Judge, Gulbarga, vide his judgment and order dated 18.06.2011, convicted the appellant for the offences under Sections 354 and 109 read with Section 34 of the IPC and sentenced him to undergo simple imprisonment for two years and to pay a fine of Rs.10,000/- with default stipulation. On appeal, the High Court affirmed the order passed by the trial Court. Aggrieved thereby, the accused filed the present appeal, by way of Special Leave Petition.

5. We have heard Mr. Basant R., learned Senior Counsel appearing for the appellant and Ms. Prachiti Deshpande, learned counsel appearing for the State.

6. Learned Senior Counsel appearing for the appellant submitted that the matter has been amicably settled between the parties and to that effect an application seeking permission to compound the offences under Section 320, Cr.P.C. along with an affidavit of the complainant has been filed as the offences with which the appellant was charged, are compoundable within the scope of Section 320 Cr.P.C as on the date of the offence i.e. 05.09.2009.

7. We have perused the said application as well as the affidavit filed by the complainant—Suvarna. She states that the incident took place about eight years ago due to misunderstanding and in the spur of moment. With passage of time, the relations between the appellant and the complainant have become very cordial and now they do not have any grudge against each other. They are now very closely related and participate in each other's family functions. The affidavit further reads that the appellant, a Government employee, is the only earning member of his family consisting his old age parents, wife and children. If the appellant goes behind bars his entire family would suffer irreparable loss and the complainant does not have a slightest desire to make the appellant undergo sentence. In the interest of both the parties and for the peace and harmony between their families, she wanted to compound the offence.

8. Considering the fact that the parties have found amicable solution to their dispute and taking note of the affidavit of the complainant, we allow the

application for compounding the offences. Resultantly, the appeal is allowed and the orders of conviction and sentence recorded by the courts below are set aside.

..... J.  
(N.V. RAMANA)

..... J.  
(AMITAVA ROY)

New Delhi,  
November 17, 2017.

ITEM NO.18

COURT NO.9

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 1979/2017  
(Arising out of S.L.P. (Crl.) No. 6951 of 2017)

NINGAPPA

Appellant(s)

VERSUS

THE STATE OF KARNATAKA

Respondent(s)

(FOR ADMISSION and IA No.70923/2017-EXEMPTION FROM FILING O.T. and  
IA No.70921/2017-PERMISSION TO COMPOUND THE OFFENCE)

Date : 17-11-2017 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE N.V. RAMANA  
HON'BLE MR. JUSTICE AMITAVA ROY

For Appellant(s) Mr. Basant R., Sr.Adv.  
Mr. Sharanagouda Patil, Adv.  
Ms. Supreeta Patil, Adv.  
Kalyan Krishna B., Adv.  
For M/s. S-legal Associates, AOR

For Respondent(s) Ms. Prachiti Deshpande, Adv.  
Mr. Shirish K. Deshpande, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed and the orders of conviction and sentence recorded by the courts below are set aside in terms of the signed order.

Pending applications, if any, stand disposed of.

(R. NATARAJAN)  
COURT MASTER (SH)

(RENUKA SADANA)  
ASST.REGISTRAR

(Signed order is placed on the file)