

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No(s). 147 OF 2019

(Arising out of SLP (CRL.) No.472 of 2019)

DHARAMVIR

Appellant(s)

VERSUS

THE STATE OF HARYANA & ANR.

Respondent(s)

O R D E R

BANUMATHI, J.:

(1) Leave granted.

(2) The appellant has been convicted under Sections 323 and 354 I.P.C. and was sentenced to undergo imprisonment for three months and six months respectively.

(3) Against conviction, the appellant preferred an appeal which was dismissed by the Appellate Court. The High Court also affirmed the conviction of the appellant and dismissed the revision. Being aggrieved the appellant is before us.

(4) When the matter came up for hearing before this Court on 11<sup>th</sup> January, 2019, it was submitted at the Bar that the parties have compounded the matter and to that effect the *de facto* complainant-Pushpa Devi has filed an affidavit (Annexure A-1) stating therein that she has with her own volition compromised

the matter with the appellant-accused. On 11<sup>th</sup> January, 2019, *de facto* complainant viz. Pushpa Devi was also present in-person before this Court and affirmed the affidavit sworn by her.

(5) On 14<sup>th</sup> January, 2019, this Court while granting bail to the the appellant directed Dr. Monika Gusain, learned counsel appearing for the respondent-State, to verify the genuineness of the said affidavit filed by the victim.

(6) Learned counsel for the State, Dr. Monika Guasain, has today filed report of Deputy Superintendent of Police, Palwal, stating that they have verified the genuineness of the *de facto* complainant and the contents of the affidavit of the deponent. It is stated that the *de facto* complainant-Pushpa Devi has voluntarily given her consent for compounding the offence with the appellant-accused. In this regard, the respondent-State has also filed the statement of the *de facto*-complainant along with its report.

(7) Copy of the Report dated 24<sup>th</sup> January, 2019 of Deputy Superintendent of Police, Palwal, along with statement of the *de facto* complainant-Pushpa Devi, produced before the Court by Dr. Monika Gusain is taken on record.

(8) In view of the compromise between the appellant and the *de facto*-complainant for compounding the offence, genuineness of which has been verified by the Deputy Superintendent of Police,

Palwal, the parties are permitted to enter into compromise and settle the dispute. The conviction of the appellant under Sections 323 and 354 I.P.C. is set aside and the appellant is acquitted in terms of Section 320(8) Cr.P.C. The appellant is on bail. His bail bonds shall stand discharged.

(9) The appeal is accordingly allowed.

.....J.  
(R. BANUMATHI)

.....J.  
(R. SUBHASH REDDY)

NEW DELHI,  
JANUARY 25, 2019.

ITEM NO.38

COURT NO.8

SECTION II-B

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

Petition(s) for Special Leave to Appeal (CrI.) No(s). 472/2019

(Arising out of impugned final judgment and order dated 08-08-2018 in CRL.REVISION No. 125/2013 passed by the High Court Of Punjab & Haryana At Chandigarh)

DHARAMVIR

Petitioner(s)

VERSUS

THE STATE OF HARYANA &amp; ANR.

Respondent(s)

(IA 185776/2018 - Permission to compound the sentence)

Date : 25-01-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI  
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s) Mr. R.S. Tanwar, Adv.  
Mr. Kush Tanwar, Adv.  
Mr. Shiv Kumar Tiwari, Adv.  
Mr. Yash Pal Dhingra, AOR

For Respondent(s) Dr. Monika Gusain, Adv.

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

Leave granted.

In terms of the signed order, the appeal is allowed.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)  
COURT MASTER

(PARVEEN KUMARI PASRICHA)  
BRANCH OFFICER

(Signed order is placed on the file)