

Karma Vs. State of Haryana and Another

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Court : Punjab and Haryana

Decided On : Apr-01-2014

Appellant : Karma

Respondent : State of Haryana and Another

Judgement :

In the High Court of Punjab and Haryana at ChandigarhCriminal Misc.

No.M-5659 of 2014Date of decision:1.4.2014 KarmaPetitioner v.

State of Haryana and anotherRespondents ...Present: Mr.Parveen Kumar Rohilla, Advocate for the petitioner.

Mr.Anmol Malik, Assistant Advocate General, Haryana for the respondent-State.

Mr.Wazir Singh Madotra, Advocate for complainant- respondent No.2....Inderjit Singh, J.

Petitioner-Karma has filed this petition under Section 482 Cr.P.C.praying for quashing of Complaint No.376/1 of 2005 dated 16.7.2005 filed under Sections 323, 324, 325, 452, 506, 148 and 149 IPC (Annexure-P.1) before the Chief Judicial Magistrate, Panipat and all subsequent proceedings arising therefrom in view of the compromise dated 23.9.2013 (Annexure-P.4).The complaint has been filed by complainant-Maya Rani on the allegations that her husband asked the petitioner to settle the account for the selling of blankets with Karma-petitioner.

The petitioner along with his wife Hazari, his relatives Jani and Gulab in furtherance of their common object entered the house of the complainant and raised alarm to teach a lesson to her husband for demanding money of the business.

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Misc.

No.M-5659 of 2014 [2].hearing this, the complainant ran towards her husband Subhash and came in front of him.

Karma gave a fist blow on her mouth and her one teeth was broken.

Thereafter, other accused gave fist blows to her husband and Hazari dragged her with hair.

The petitioner stands convicted by the trial Court vide

JUDGMENT / ORDER

dated 3.4.2012 and the appeal preferred by him is pending before the Sessions Court at Panipat.

Hazari and Jani alias Ramjani were acquitted of the charges levelled against them.

Learned counsel for the petitioner contends that the parties have now entered into a compromise.

He placed reliance upon a judgment of the Hon'ble Supreme Court in Arvind Barsaul v.

State of Madhya Pradesh, 2008 (2) RCR (Cr.) 910 to contend that this Court in exercise of its plenary powers under Section 482 Cr.P.C.can intervene and bring to end the criminal proceedings on the basis of compromise at any stage.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned lower Appellate Court for getting their statements recorded in support of the compromise.

After doing the needful, learned Sessions Judge, Panipat has sent her report dated 1.3.2014 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Joint statement of complainant Maya Rani and her husband Subhash (the only two injured in the case) was recorded on 21.2.2014, wherein they stated that they and the appellant are residents of same locality and had been doing business in partnership.

They further stated that with the intervention of relatives and other respectables of the Parmar Harpal Singh 2014.04.04 17:30 I attest to the accuracy and integrity of this document Chandigarh Cr.

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No.M-5659 of 2014 [3].locality, they have compromised the matter with the appellant (petitioner).The compromise is for their benefit and as a result of the same they have no grievance left against the petitioner and do not want any legal action against him.

They added that their claim in every manner has been satisfied and the compromise will help in improving their inter-se relations and they will be able to lead a peaceful life.

In the report it has been stated that they have compromised/compounded the offence with the petitioner on their own volition and without any pressure from any quarter and do not want any legal action against him.

The appeal bearing No.10 of2013 titled Maya Rani v.

Karma filed by injured Maya Rani, for enhancement of the sentence has also been withdrawn by her by making statement recorded in the said appeal.

Learned Assistant Advocate General, Haryana, on instructions from the Investigating Officer and learned counsel for complainant-respondent No.2 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the complaint in view of the law laid down by the Hon'ble Supreme Court.

I have gone through the record and have heard learned counsel for the petitioners as well as learned Assistant Advocate General, Haryana and learned counsel for complainant-respondent No.2.

In a decision, based on compromise, none of the parties is a loser.

Rather, compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society.

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No.M-5659 of 2014 [4].considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

The Hon'ble Supreme Court in Gian Singh v.

State of Punjab and another, 2012 (4) RCR (Cr.) 543, has held that the inherent jurisdiction of this Court under Section 482 Cr.P.C.can be exercised to quash the proceedings in respect of criminal cases arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc.or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute even though they are not compoundable.

Therefore, keeping in view the fact that the matter has been amicably settled and the law laid down in Gian Singh v.

State of Punjab and another (supra).this petition is allowed and Complaint No.376/1 of 2005 dated 16.7.2005 filed under Sections 323, 324, 325, 452, 506, 148 and 149 IPC (Annexure-P.1) before the Chief Judicial Magistrate, Panipat and all subsequent proceedings arising out of the same are hereby quashed.

April 1, 2014.

(Inderjit Singh) Judge *hsp* Parmar Harpal Singh 2014.04.04 17:30 I attest to the accuracy and integrity of this document Chandigarh

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