

State of Himachal Pradesh Vs. Daler Singh

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Court : Himachal Pradesh

Decided On : Apr-29-2011

Judge : Kuldip Singh, J.

Acts : Indian Penal Code (IPC) - Sections 498-A, 504, 506; Code of Criminal Procedure (CrPC) (Cr.P.C) - Sections 482, 320

Appeal No. : Criminal Appeal No. 159 of 2010

Appellant : State of Himachal Pradesh

Respondent : Daler Singh

Advocate for Def. : Mr. Ashish Verma, Adv.

Advocate for Pet/Ap. : Ms. Ruma Kaushik; Mr.J.S.Rana,Adv.

Judgement :

1. This appeal has been directed against the judgment dated 19.11.2009 passed by learned Judicial Magistrate Ist Class, (2), Palampur in Criminal Case No. 33-II/2008, acquitting the respondent for offence punishable under Sections 498-A, 504, 506 IPC.

2. The respondent was prosecuted for offence punishable under Sections 498-A, 504 and 506 IPC. PW8 Binta Devi was the complainant in the case. The prosecution case was that complainant had solemnized marriage with respondent

on 13.12.2006. The respondent started suspecting the character of the complainant and started leveling allegations. The respondent used to give beatings to the complainant after consuming liquor, he also demanded money from the parents of the complainant.

A compromise Ex. PW6/A dated 20th December, 2007 was also executed between the parties which was signed by the father of the complainant and one Amarawati, President of Gram Panchayat, Panaper along with other persons. The complainant after the compromise returned to her matrimonial home on 25.12.2007. It has been alleged that thereafter again the respondent started ill-treating the complainant. In these circumstances, the complainant reported the matter to the police and FIR Ext. PW5/A came to be registered. On completion of investigation, the challan was presented in the court against the respondent. He was charged for offence punishable under Sections 498-A, 504 and 506 IPC and on conclusion of trial, the learned Magistrate acquitted the respondent, as noticed above.

3. The state has filed the appeal. The complainant and respondent have filed Cr.M.P. No. 256 of 2011 jointly under Section 320 read with Section 482 of Cr.P.C. for compounding of the offence. The application is supported by affidavits of respondent and complainant. The respondent and complainant are present in the court. The learned counsel for the respondent has identified the respondent as well as complainant. The respondent and complainant have admitted that they have voluntarily filed Cr.M.P. No. 256 of 2011 jointly and they have settled the matter amicably. The complainant has stated that she does not want to pursue the matter any more

4. The learned counsel for the respondent has relied judgment dated 06.01.2010 in Criminal Appeal No. 86 of 2003 and has submitted that in similar circumstances, this Court had permitted the parties to compound the matter and dismissed the appeal. The learned Magistrate has already acquitted the respondent. The complainant and respondent have settled the matter amicably. It has come on record that complainant and respondent are happily living together as husband and wife, they have also one issue from the marriage. Therefore, in the facts and

circumstances of the case, it is a fit case for compounding the offence. The complainant and respondent are, therefore, allowed to compound the offence. The appeal is dismissed and respondent is acquitted of all the charges. The bail bonds of the respondent are discharged.

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