

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRA-S-372-SB-2004 (O&M)
Date of Decision: 23.03.2018**

Anguri Devi and others

.....Appellants

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Keshav Pratap Singh, Advocate
for the appellants.

Mr. Arun Kumar, AAG, Haryana.

Mr. Anil Ghanghas, Advocate for
Mr. Sunil Panwar, Advocate
for the complainant.

ANITA CHAUDHRY, J.

The appellants were convicted and sentenced to undergo 10 years imprisonment along with fine under Section 307 read with Section 34 of IPC. They were also sentenced to separate sentence under Section 498-A of IPC. The trial Court had also imposed a fine and had allowed Rs.40,000/- to the complainant as compensation vide judgment dated 29.01.2004.

The incident had taken place in July, 2000. The victim was the daughter-in-law who had suffered burns on the upper part of the body and the arms. The father-in-law had taken her to the hospital. The appeal was admitted in 2004. Adjournment was sought by the appellants on the previous dates as the matter had been settled and it was stated that Meena

was living in the matrimonial home with her husband. The appellants were asked to produce Meena (the victim). Meena has made a statement that she has no grievance left and she has entered into an agreement and has prayed for reduction of the sentence. She has stated that she is living with her husband for the last 5 years and the compromise had been effected.

The record reveals that earlier a written compromise and an affidavit of Meena had been placed on the file in 2016.

Counsel for the appellants urges that they do not challenge the conviction as the parties have entered into a compromise and the couple are living together for the last 5 years and no occurrence had taken place, the sentence be reduced to already undergone. The counsel urges that the husband and the father-in-law had undergone almost 2 years and 5 months of custody and the incident is 18 years old.

The FIR was registered in July, 2000. The trial concluded in 2004. The husband had undergone 2 years and 16 days whereas the father-in-law had undergone 1 year, 11 months and 13 days of actual custody. The mother-in-law, Anguri Devi, had undergone 1 year, 7 months and 20 days of actual custody while the maternal Uncle-Ram Niwas had undergone almost a years custody before their sentence was suspended by this Court.

In the matters, where parties have entered into a compromise, Larger Bench of this Court in '**Kulwinder Singh and others V. State of Punjab and another' reported as 2007(3) RCR (Criminal) 1052'**, has taken the following view:-

"32. The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-

meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savager."

The wife has admitted to the factum of compromise. The parties had earlier placed on record the written compromise as well as the affidavit furnished by her that was in 2016. The complainant has appeared today and admitted the compromise again and she has stated that she is living with her husband for the last 5 years and has prayed for reduction of the sentence.

Considering the circumstances of the case, the conviction of the appellants is maintained. However, the sentence is reduced to already undergone by them.

The appeal stands disposed of.

March 23, 2018

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**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No