IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1165 OF 2014

Deva Ram   ...   Appellant

        Vs.

The State of Rajasthan & Anr.   ...   Respondents

JUDGMENT

(SMT.) RANJANA PRAKASH DESAI, J.

1.   The appellant was tried by the Judicial Magistrate, First Class,

Didwana for offence punishable under Section 420 of the IPC in

Criminal Case No. 41/89.

2.   Deceased Hardeva Ram filed complaint against the appellant on

9/8/1988 stating that since the appellant used to send persons

abroad for employment, he also arranged passport for his son Arjun

Ram. The appellant told him that if he wants to send his son abroad,

he will have to pay him Rs.15,000/- and hand over his passport to

him. The complainant gave him Rs.8,300/- but the appellant did not

send his son abroad. The complainant asked for his money but the

appellant refused to return the same. After investigation charge sheet

was filed under Sections 406 and 420 of the IPC.   The learned

Magistrate framed charge under Section 420 of the IPC.   The

appellant denied the charge. Upon conclusion of the trial, the learned

Magistrate by his order dated 13/07/1992 convicted the appellant

under Section 420 of the IPC and sentenced him to suffer simple

imprisonment for 2 years and to pay a fine of Rs.1,000/-, in default,

to undergo simple imprisonment for two months. Appeal filed by the appellant was dismissed by the Sessions Court on 12/9/1996. The appellant filed a criminal revision application in the Rajasthan High Court which was dismissed on 23/1/2014. Being aggrieved by the said order the present appeal is filed.

3.   It appears that original complainant expired on 30/05/1994. During the pendency of the present appeal, Arjun Ram, the heir of the original   complainant   and   the   appellant   have   entered   into   a compromise. Application for impleadment was filed by Arjun Ram in which it is confirmed that he and the appellant have compromised the matter. The said application was granted by this Court. This Court was informed that the appellant and the heir of the complainant i.e. the newly added respondent had settled all their disputes and an amount of Rs.8,000/- has already been paid to the newly added respondent. A statement was made by the counsel for the appellant that further amount of Rs.12,000/- will be paid to the newly added respondent within a period of two weeks.   This statement was recorded and the matter was adjourned.

4.   An application has been filed in this Court by the appellant praying that in view of the settlement, offence may be permitted to be compounded.   It is stated that the original complainant and the appellant are close relatives. It is stated that the original complainant expired on 30/05/1994. Thereafter, the son of the complainant is not keen on prosecuting the proceedings.   The appellant is a senior citizen who suffers from various ailments.   It is further stated that due to intervention of the elders of the village, dispute between the parties is resolved.   The appellant has agreed to pay settlement amount to Arjun Ram. It is further stated in the application that the appellant has paid the fine amount. Affidavit has also been filed by Jagdish Prasad, Power of Attorney holder of the appellant confirming that the matter is settled.   Arjun Ram has also filed affidavit confirming that the matter is settled and the appellant has paid the

agreed amount to him.   Arjun Ram, respondent 2 herein has filed

another affidavit dated 17/7/2014 stating that his brothers viz. (1)

Hanuman Ram, (2) Hajari Ram, (3) Narayan Ram and (4) Ghirdhari

Ram have issued Power of Attorney dated 12/06/2014 in his favour

thereby nominating, constituting and appointing him for taking steps

in connection with the present appeal.   Paragraph 2 of the said

affidavit reads thus:

>   "2. It is submitted that my brothers namely: (1) Hanuman
> Ram, (2) Hajari Ram, (3) Narayan Ram, (4) Ghirdhari Ram,
> all sons and legal heirs of Late Shri Hardeva Ram (the
> original complainant) have issued a power of attorney dated
> 12.06.2014, thereby nominating, constituting and appointing
> me i.e., Arjun Ram s/o. Late Hardeva Ram for doing or
> executing all or any of the acts or things in connection with
> the Criminal Appeal No.1165 of 2014, which is annexed
> herewith and marked as ANNEXURE-A1 at pages 90 to 91".

We must note that copy of Deed of Compromise dated

25/2/2014 is also filed in the court. Learned counsel for the parties

have confirmed that the matter is settled.

5.   We are informed that out of two years imprisonment the

appellant has undergone six months imprisonment.   Offence under

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Section 420 of the IPC is compoundable with the permission of the

court by the person who is cheated. Since the parties are related to

each other and they have decided to accord a quietus to their

disputes and live peacefully, we permit them to compound the

offence. Hence, the offence under Section 420 of the IPC for which

the   appellant   was   convicted   is   compounded   because   it   is

compoundable with the permission of the court.   The appellant is

acquitted of the said charge.

6.   The appellant is on bail.   His bail bond stands discharged.

Appeal is disposed of.

                                        ....J.
                                        (Ranjana Prakash Desai)

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                              ..................................J.
                                  (N.V. Ramana)
New Delhi;
July 23, 2014.
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ITEM NO.1A              COURT NO.6            SECTION II

         S U P R E M E C O U R T O F     I N D I A
                   RECORD OF PROCEEDINGS

             Criminal Appeal No(s). 1165/2014

DEVA RAM                                      Appellant(s)

                           VERSUS

STATE OF RAJASTHAN & ANR.                     Respondent(s)


Date : 23/07/2014 This appeal was called on for judgment today.


AMICUS CURIAE        Mr. Siddharth Luthra, Sr. Adv. (AC)
                     Mr. Satyam Thareja, Adv.

For Appellant(s)     Mr. Nachiketa Joshi ,Adv.


For Respondent(s)    Dr. Kailash Chand ,Adv.


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

    Hon'ble Mrs. Justice Ranjana Prakash Desai pronounced judgment
of the Bench comprising Her Ladyship and Hon'ble Mr. Justice N.V.
Ramana.

    The appeal is disposed of in terms of the signed judgment.


  (Gulshan Kumar Arora)                      (Indu Pokhriyal)
     Court Master                              Court Master

    (Signed non-reportable judgment is placed on the file)
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