

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CRIMINAL REVISION CASE No. 1573 OF 2017

ORDER:

This Criminal Revision Case is filed by the petitioners/accused 1 to 4, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, (for brevity, 'the Code') having been aggrieved of the fact that the trial court did not entertain the petition filed under Section 320(2) of the Code requesting for permission to compound the offence punishable under Section 324 of the Code and returned the said application in CFR No.1482 of 2017 with endorsement, dated 20.05.2017, to the effect that the offence under Section 324 IPC is not a compoundable offence.

2. At the hearing, the learned counsel for the petitioner brings to the notice of this Court that the offence under Section 325 IPC, which deals with grievous hurt, is a compoundable offence and the offence punishable under Section 324 IPC i.e., voluntarily causing simple hurt, which is a lesser offence, can also be permitted to be compounded in view of the ratio laid down by the Supreme Court in *Avinash Shetty v. State of Karnataka*¹, which was followed in a decision of this Court in *Darapuneni Raj Kumar v. State of Andhra Pradesh and another*². Therefore, the learned counsel prays that the trial court may be directed to entertain the afore-stated petition.

3. Having regard to the facts and the legal position obtaining, this Court is satisfied that the request in the revision merits consideration.

¹(2006) 1 SCC (CrI.) 316

² 2015(1) ALD (CrI.) 280

4. In the result, the Criminal Revision Case is allowed and the trial court is directed to entertain the petition viz., CFR No.1482 of 2017 filed under Section 320(2) of the Code and proceed further in the matter as per the procedure and permit the parties to compound the offence provided the parties voluntarily come forward to compound the offence.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE M.SEETHARAMA MURTI

June 15, 2017
LMV

