

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

CRR-2842-2015

Date of decision : 30.11.2017

Satish Kumar

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Mr. Deepak Sonak, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. Sidharath, Advocate for
Mr. Rajesh Khandelwal, Advocate
for the respondent.

H.S. MADAAN, J. (Oral)

Accused Satish Kumar faced trial by Judicial Magistrate Ist
Class, Bhiwani, who vide judgment dated 12.06.2012 acquitted him of the
charge for offences under Sections 323 and 325 IPC.

Briefly stated facts of the case are that FIR No.115 dated 13.03.2010 was registered against accused Satish Kumar at the instance of complainant Bhisham, who in written complaint submitted to the police had contended that he has been working as Cashier in the Aggarsain Educational Institution in addition to that he is running a shop in the main Bazar, Tosham; that on 3.3.2010 at about 10:30 a.m. while he was sitting in the school, he called accused Satish to the school by sending peon; that Satish accompanied by 3 / 4 other persons came there and the complainant asked him to account for ₹35,000/- at which Satish informed that he had directly deposited ₹22,000/- in the school; that when the complainant asked him to account for remaining amount of ₹13,000/-, the accused got enraged and caught hold of his neck and hit on his private parts and also broke the finger of left hand and bit the finger of right hand; that on the intervention of some persons, complainant was rescued, he was taken to hospital where he was medico legally examined. On the basis of that complaint formal FIR was registered. When the accused was acquitted by the trial Magistrate, the said judgment of acquittal was challenged by the complainant by way of filing appeal, that appeal was allowed by Additional Sessions Judge, Bhiwani vide judgment dated 20.07.2015, the impugned judgment passed by the trial Magistrate was set aside and accused was convicted and sentenced as under:-

“Rigorous imprisonment for a period of one year for offence under Section 323 IPC.

Rigorous imprisonment for a period of two years and to

pay a fine of ₹1,000/-, in default of payment of fine, he was ordered to undergo simple imprisonment for a period of one month more for offence under Section 325 IPC.”

Both the sentences were ordered to run concurrently.

Accused felt dissatisfied with the said judgment and filed criminal revision petition before this Court, notice of which was given to the State and the complainant, who put in appearance through their counsel.

It is stated that the matter has since been compromised between the parties. An application under Section 320 Cr.P.C. read with Section 482 Cr.P.C. for compounding of offence under punishable under Sections 323 and 325 IPC was moved. As per table given under that Section, offence under Section 323 IPC is compoundable by a person to whom hurt is caused and no permission of the Court is needed, however, to compound offence under Section 325 IPC which can be so done by a person hurt is caused but permission of the Court is required.

Heard.

Keeping in view the facts and circumstances of the case and to promote public peace and equality, I find it proper and appropriate to accept the application bearing **CRM-38022-2017** and allow the parties to compound the offences in terms of Sub-Section 6 of Section 320 Cr.P.C. wherein it is mentioned that *“a High Court or Court of Session acting in the exercise of its powers of revision under section 401 may allow any person to compound any offence which such person is competent to compound under this section”*.

Therefore, the application **CRM-38022-2017** is accepted and compounding of offences is permitted. Resultantly, the judgment of conviction and order of sentence passed by learned Additional Sessions Judge, Bhiwani dated 20.07.2015 is set aside and the accused is acquitted of the charge framed against him.

Revision petition in that way is allowed.

30.11.2017

Gaurav Sorot

**(H.S. MADAAN)
JUDGE**

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**