

IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.A 472/2005

Date of Hearing & Order: January 4th, 2017

RAJBIR SINGH & ORS.

....Appellant

Through

Mr.Bhupendra Kumar Tyagi, Adv.

versus

STATE

... Respondent

Through

Mr.Ashish Dutta, APP.

Respondent No.2 in person with Mr.Sarvesh Rai, Adv.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

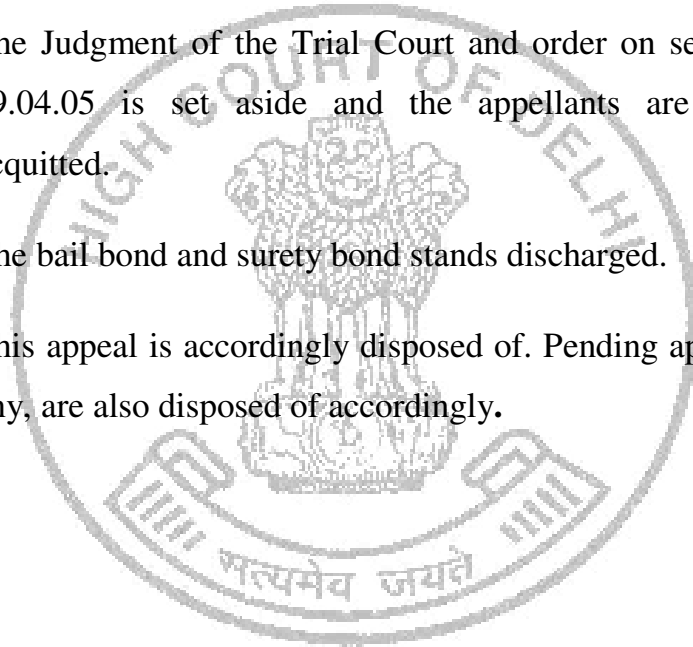
P.S.TEJI, J.(Oral)

1. The present appeal under Section 374 Cr.P.C. has been filed by the appellants, namely, Sh. Rajbir Singh, Sh. Manoj Kumar and Smt. Bimla Devi to set aside and/or quash the impugned judgment and order dated 29.04.2005, whereby the appellants were convicted under S. 325/34 IPC and ordered to undergo rigorous imprisonment for two years and pay fine of Rs. 2000/- each, and in default of payment of fine, each of the accused was to further undergo SI for three months.
2. The factual matrix of the present case is that on 17.01.2000, at about 5.20pm all three accused persons, in furtherance of common intention had caused injuries on the person of Sh. Suresh Pal with a wooden 'paya' with such intention or

knowledge and under such circumstances that if by that act the accused persons would have caused the death of said Suresh Pal then they all would have been guilty of culpable homicide not amounting to murder. Thereafter, after conclusion of the investigation, challan was filed in the court on 18.11.2000 and the case was committed to the Court of Sessions on 31.10.2001 and charge for the offences u/s 308/34 IPC against the accused persons was framed on 02.01.02. After framing of charges, prosecution adduced its evidence in court, statements of the appellants were recorded under S. 313 Cr.PC and the Trial Court convicted the accused for the offence punishable under S. 325 read with S. 34 IPC.

3. During the pendency of the present appeal, Respondent No.2 filed an application under S. 320 Cr.P.C for seeking permission for compounding the offence under S. 325/34 IPC based on the fact that a settlement has been arrived at between the parties before the Mediation Centre, Tis Hazari Courts, Delhi on 17.09.2014 and both parties have already resolved their dispute and differences with regard to the aforementioned case and the complainant does not wish to proceed further against the accused persons. Statement of the respondent no.2 has been recorded in this regard in which he stated that he has entered into a compromise deed with the appellants and has settled all the disputes with them.

4. S. 320 Cr.P.C explicitly provides for the compounding of offences and the relevant section, that is S. 325 IPC in the present matter is a compoundable offence by the permission of the Court by the person to whom hurt is caused.
5. In view of the compromise entered into between the parties, the appellants/accused persons are allowed to compound the offence with the complainant/Respondent No.2.
6. The Judgment of the Trial Court and order on sentence dated 29.04.05 is set aside and the appellants are accordingly acquitted.
7. The bail bond and surety bond stands discharged.
8. This appeal is accordingly disposed of. Pending applications, if any, are also disposed of accordingly.



(P.S.TEJI)
JUDGE

JANUARY, 04, 2017/dd