

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 309 of 2009

Ghanshyam Patel, Aged 28 years, S/o. Shri Vishwanath @ Vishwa Patel, Resident of Paladikhurd, P.S. Baradwar, District Janjgir Champa (C.G.)

---- Appellant

Versus

State of Chhattisgarh, through the Police Station Baradwar District Janjgir Champa (C.G.)

---- Respondent

For Appellant : Mr. Parasmani Shriwas, Advocate
For Respondent : Mr. Raghvendra Verma, Govt. Advocate
For complainant : Mr. UPS Sahu, Advocate

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board on 24-06-2019

1. Challenge in this appeal is to the judgment of conviction and order of sentence dated 10.04.2009 passed by the Special Sessions Judge Janjgir Champa, in Special Case No. 168/2008, whereby the learned Special judge, convicted the appellant for the offence punishable under Section 324 IPC and sentenced him to undergo rigorous imprisonment for 1 year and to pay fine of Rs. 1000/- with default stipulation.
2. During the pendency of this appeal, the appellant and the complainant are stated to have filed a joint application I. A. No. 04/2019 for compromise the offence. The said application is duly supported by their affidavits in which it is stated that they have amicably settled their dispute outside the Court. Such a statement

has been made by them before Additional Registrar (Judicial) also. Since the offence alleged is compoundable in the nature, this Court finds nothing to deviate from the statement made by the parties for compromise to be arrived at between them.

3. Thus, looking to the facts and circumstances of the case, the statement of the parties made before this Court and thereafter before the Additional Registrar (Judicial) and keeping in view of the judgment passed in **AIR 2010 SC 276 (K.M. Inbrahim v. K.P. Mohammed)**, as the parties have amicably settled their dispute in terms of section 147 of the Act, the application No. 04 of 2019 for compounding the offence is allowed and the parties are permitted to compound the offence. Effect of this compromise would be the acquittal of the appellant of the charge under Section 324 IPC.

4. Appeal is thus allowed and the order dated 10.04.2009 is set aside.

Sd/-

(Vimla Singh Kapoor)

JUDGE