

THE HON'BLE SRI JUSTICE N. TUKARAMJI

I.A. Nos. 1 and 2 of 2022

AND/IN

CRIMINAL APPEAL NO. 522 OF 2014

ORDER:

This appeal is filed by the 1st and 2nd accused assailing the judgment of conviction in Sessions Case (SC) No. 500 of 2013 on the file of learned Metropolitan Sessions Judge, Hyderabad registered for the offences under Section 324 R/w. 34 of the Indian Penal Code (for short 'the IPC').

2. During the pendency of the proceedings the appeal, the *defacto-complainant*/victim has filed miscellaneous petitions vide IA No. 1 of 2022 and IA No. 2 of 2022 with a prayer seeking permission to compound the offence by recording the compromise with the accused.

3. The learned counsel for the petitioner and the respondents/appellants submitted that the defacto complainant/victim and the appellants/accused are family members and due to intervention of the elders they have amicably settled the issues on 17.11.2022 in terms of memorandum of understanding. Thus prayed for recording the same and to acquit the accused, by compounding the offence.

4. Learned Assistant Public Prosecutor has not raised any specific objection.

6. The compounding application is supported by a memorandum of understanding dated 17.11.2022. The petitioner/de facto-complainant and the appellants/accused are present in person before the Court and they are duly identified by their aadhar cards and certification of the learned counsel. The de facto-complainant submitted that, he doesn't want further prosecution as they have amicably settled their dispute with the intervention of the elders and prayed for compounding the offence.

7. Section 320 of the Cr.P.C deals with the compounding the offences. Only the offences included in this provision are compoundable. The appellants/accused are convicted under Section 324 of the IPC, for voluntarily causing hurt by dangerous weapon or means. The Cr.P.C amendment Act 2015, proposed the amendments under Section 23(a) and Section 4(f)(iii), wherein the offence under Section 324 of the IPC was made non-compoundable and non-bailable. However, these amendments were not brought into force, as the notification in the official gazette dated 21.06.2006, which let in the amendment Act of 2015, was in exclusion of these provisions. Thus, the Section 324 of IPC remains within the scheme of Section 320 of the Cr. P.C as compoundable offence.

8. Having regard to these aspects and as the parties have come to a settlement and the defacto-complainant /victim has no grievance, against the appellant/accused, this Court is satisfied that the parties have genuinely settled the matter and the *de facto-complainant*/victim is voluntarily compounded the offences and in effect, the parties are permitted to compound the offence.

9. In view of the aforesaid, I.A. Nos. 1 and 2 of 2022 are allowed. Consequently, the conviction and sentence passed against the appellants/1st and 2nd accused is set aside by compounding the offence under Section 324 r/w. Section 34 of IPC and they are acquitted under Section 320(8) of Cr.P.C.

10. This appeal is disposed of accordingly.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

N. TUKARAMJI, J

Dt: 23.11.2022

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THE HONOURABLE SRI JUSTICE N. TKUARAMJI

CRIMINAL APPEAL No. 522 OF 2014

Date:23.11.2022

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