

CRR-2660-2019 (O&M)

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(201) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-2660-2019 (O&M)
Date of Decision: 04.10.2023

MANOJ & OTHERS

... Petitioners

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vaibhav Jain, Advocate
for the petitioners.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

Mr. Ankit Grewal, Advocate
for the complainant.

JASJIT SINGH BEDI, J (Oral)

The present revision petition has been filed against the judgment dated 25.07.2019 passed by the Additional Sessions Judge, Faridabad vide which the appeal preferred by the petitioners against the judgment of conviction and order of sentence dated 12.06.2017/14.06.2017 passed by the Judicial Magistrate, 1st Class, Faridabad, has been dismissed.

2. The brief facts of the case are that on 05.10.2012, a telephonic information was received from B.K. Hospital, Faridabad that one Banwari Lal and Niranjana Lal sons of Pyare Lal resident of Sant Nagar had been admitted in the Hospital being injured in a fight. In pursuance of the same, ASI Karambir along with Constable Anand reached the Hospital and after obtaining the opinion regarding fitness of the injured recorded the statement of Banwari Lal. The injured Banwari Lal stated that on the even date at about 05.00 AM, he along with his brother Niranjana had been sitting at the Old

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Chowk in front of Dharma Dhaba when suddenly, 7-8 persons with muffled faces came from the back and attacked them and started beating them with iron rods, Dandas and swords. One of them, namely Vikram son of Jain Prakash gave a blow of a rod on his head and Chotey and Manoj gave blows of Dandas on his body. They also gave a blow of a sword as well as of a Danda and a rod to his brother Niranjan. He ran away from there saving himself. However, they continued to beat his brother Niranjan and he suffered grave injuries on his head. Thereafter, his nephew namely, Neeraj reached at the spot and got them admitted in B.K. Hospital, Faridabad. His brother Niranjan was referred to Delhi as he had suffered several injuries. Vikram along with his friends had beaten them because of previous animosity and litigation was also pending between them in the Court. The assailants while leaving also threatened to kill them in future. In pursuance of the said statement, the FIR was got lodged under Section 148, 149, 323, 506 IPC and investigation was initiated. The MLR and X-ray reports were obtained. After obtaining the X-ray report of the injured Section 325 of IPC was added in the FIR. The accused persons were arrested. The statements of witnesses were recorded under Section 161 Cr.P.C. After the completion of the usual formalities of the investigation, the challan was filed under Section 173 Cr.P.C. against the accused persons.

3. Based on the evidence that had been led, the accused were convicted and sentenced as under:-

Sr. No.	Offence	Imprisonment	Fine	Imprisonment in default of fine
1.	U/s. 323 IPC	1 year SI	Nil	N.A.

2.	U/s. 325 IPC	3 years SI	2000/- each	20 days
3.	U/s. 506, Part-II IPC	3 years SI	Nil	N.A.

4. Pursuant thereto, the petitioners preferred an appeal before the Court of the learned Additional Sessions Judge, Faridabad, which came to be dismissed on 25.07.2019.

5. After the appeal had been dismissed, the present revision petition has been preferred by the petitioners before this Court.

6. During the pendency of the present petition, a compromise dated 10.07.2020 has been effected between the accused-petitioners and the respondent/complainant.

7. In terms of Section 320 Cr.P.C., the offences under Sections 323, 325 and 506 IPC can be compounded by the person aggrieved/victim. In the present case, the complainant has effected a settlement on 10.07.2020.

8. A perusal of Section 320(6) Cr.P.C. would show that the High Court or the Court of Session acting in the exercise of its power of revision under Section 401 Cr.P.C. may allow any person to compound an offence which such person is competent to compound under this Section. Section 320(8) Cr.P.C. states that the effect of the composition of an offence is that the accused is to be acquitted. A combined reading of Section 320(2) Cr.P.C., Section 320(6) Cr.P.C. and Section 320(8) Cr.P.C. leaves no doubt that an offences under Sections 323, 325 and 506 IPC can be compounded at the instance of the person aggrieved/victim at the revisional stage and the effect of such composition is that the accused is to be acquitted. The said proposition of law has been set down in '*P. Ramaswamy Vs. State (U.T.) of*

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Andaman and Nicobar Islands, 2013(3) RCR (Criminal) 760' and 'Ramesh Chander Vs. State of Haryana and another, 2007(1) RCR (Criminal) 245'.

9. In view of the aforementioned discussion, the settlement effected between the parties and the provision of law as enumerated hereinabove, the present petition is allowed. The judgment dated 25.07.2019 passed by the Additional Sessions Judge, Faridabad and the judgment of conviction and the order of sentence dated 12.06.2017/14.06.2017 passed by the Judicial Magistrate, 1st Class, Faridabad are hereby set aside and the petitioners are acquitted of the charges framed against them.

(JASJIT SINGH BEDI)
JUDGE

04.10.2023
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No