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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-40894-2023;
CRM-40896-2023 in/and
CRR-3122-2009
Date of Decision: 15.02.2024

Ripudaman Seth

...Petitioner

vs.

State of Punjab

...Respondent

Coram :

Hon’ble Mr. Justice N.S.Shekhawat

Present :

Mr. Vaibhav Narang, Advocate
for the applicant-petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

Mr. Devansh Khanna, Advocate
for the complainant.

N.S.Shekhawat J.

1.

The petitioner had filed the present revision petition before this Court with a prayer to set aside the impugned order dated 23.11.2009, passed by the Court of Additional Sessions Judge, (Ad hoc), Fast Track Court, Amritsar and the impugned judgement and order of sentence dated 20.07.2009, passed by the Judicial Magistrate, 1st Class, Amritsar, whereby the petitioner was ordered to be convicted for the offences punishable under Sections 323 and 325 of IPC and was sentenced to undergo rigorous imprisonment as under:-

Under Section	Imprisonment
323 IPC	To undergo rigorous imprisonment for 3 months and to pay a fine of Rs.200/- and in default thereof to further undergo RI for one week.
325 IPC	To undergo rigorous imprisonment for 1 year and to pay a fine of Rs.5,00/- and in default thereof to further undergo RI for one month.

2. During the pendency of the present petition, the petitioner/applicant had moved an application i.e. CRM-40894 of 2023 with a prayer to implead Ashok Kumar son of Sh. Sat Pal, resident of 134, race course Road, Amritsar as respondent No.2 and to place on record the Amended Memo of Parties in this regard. Another application i.e. CRM-40896-2023 under Section 320 Cr.P.C. read with Section 482 of Code of Criminal Procedure with a prayer to compound the offence in view of the compromise arrived at between the parties. It was *inter alia* argued by learned counsel for the parties that in the present case, the FIR was ordered to be registered on the basis of the statement made by Ashok Kumar Seth, complainant/respondent No.2—injured and thereafter, the trial Court commenced against the petitioner. Later on, the petitioner was ordered to be convicted and sentenced, as mentioned above. Thereafter, the parties arrived at a compromise and a compromise deed dated 12.04.2012 was executed in this regard and the said compromise deed was annexed as Annexure A-1. Apart from that, the complainant/injured had also submitted an affidavit dated 24.08.2023 (Annexure A-2) and submitted that the parties had entered into a compromise and the respondent No.2/complainant had no objection, in case the present petitioner is ordered to be acquitted on the basis of the compromise.

3. Learned counsel for the petitioner further contends that the application under Section 320 Cr.P.C. may be allowed and the parties may be allowed to compound the matter, in view of the amicable settlement between the parties. Further, the offences under Sections 323 and 325 of IPC were compoundable offences and the parties are closely related to each other. Thus,

they may be permitted to enter into a compromise and the petitioner may be acquitted in the present case.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner, whereas learned counsel appearing on behalf of respondent No.2/complainant submits that he has no objection, in case the offence is compounded by this Court.

5. I have heard learned counsel for the parties and perused the record.

6. Section 320 Cr.P.C. provides for compounding of the offences. As per the table, reproduced in Section 320 Cr.P.C., the offence under Section 323 IPC can be compounded by the person, to whom the hurt is caused and no formal permission of the Court is required. However, the offence under Section 325 I.P.C. can be compounded with the permission of the Court, before which any prosecution for such offence is pending and it can be compounded with the permission of the person, to whom, the hurt was caused. Still further, as per Section 320(6) Cr.P.C., a High Court, in exercise of its power of revision under Section 401 IPC may allow any person to compound any offence which such person is competent to compound under Section 320 Cr.P.C. Even the composition of offence under Section 320 Cr.P.C. shall have the effect of an acquittal of the accused with whom the offence had been compounded.

7. In the present case also, the petitioner was ordered to be convicted by the Court of Additional Sessions Judge, (Ad hoc), Fast Track Court, Amritsar, under Sections 323 and 325 IPC. In the present case, both the parties are closely related and are living peacefully for the last several years. Even the petitioner is facing prosecution since 09.09.2005 i.e. for the last about 19 years

and has now entered into a settlement with the present respondent No.2/complainant. Thus, the parties are allowed to compound the offences in the present case.

8. As a consequence, the impugned order dated 23.11.2009, passed by the Court of Additional Sessions Judge, (Ad hoc), Fast Track Court, Amritsar and the impugned judgement and order of sentence dated 20.07.2009, passed by the Judicial Magistrate, 1st Class, Amritsar, are hereby set aside and the petitioner is ordered to be acquitted of the charge.

9. The present petition is disposed off.

10. Pending applications are also disposed off.

15.02.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No