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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.A. 324/2012
ARUN @ GOLLU

.....Appellant

Through: Mr. Shiv Charan Garg, Mr. Imran
Khan, Ms. Jahanvi Garg and Mr.
Raghav Garg, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, Ld. APP for State
with SI Sonu Kumar P.S. Sultanpuri.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

22.07.2024

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1. An Appeal under Section 374 Cr.P.C read with Section 482 Cr.P.C has been filed on behalf of the appellant for setting aside the Order of Conviction and Sentence dated 10.01.2012 and 17.01.2012 passed by learned ASJ-II, Rohini Courts, Delhi.
2. The petitioner has been convicted vide Order on Sentence dated 17.01.2012 to undergo RI for five years and a fine of Rs.3,000/- in default to undergo SI for one month under Section 307 IPC and he was further sentenced to SI for one month under Section 341 IPC and also to undergo RI for one year and pay a fine of Rs.1,000/-, in default to undergo SI for 20 days under Section 506 IPC.
3. It is submitted that the petitioner has undergone incarceration of 2 years, 10 months and 23 days besides remission earned of 7 months and 25 days. He has undergone almost three and half years of sentence out of the five years. It is further submitted that the parties have reconciled their



differences and have entered into a Settlement. Hence, a prayer is made that the Order on Sentence dated 17.01.2012 may be set aside and the appellant may be discharged.

4. Learned Prosecutor for the State has opposed the Appeal by submitting that the Appellant has been convicted under Section 307 and 341 IPC for having given fist blows on the stomach and a knife blow on the right side of neck of the complainant. It is submitted that the appellant has been rightly convicted for the injuries caused by him to the complainant.

5. **Submissions heard.**

6. In the case of Ramgopal and Anr. Vs. State of Madhya Pradesh (2022) 14 SCC 531, the Apex Court took note of the surrounding circumstances and the voluntary compromise inter-se the parties coupled with they being residents of same village living in close vicinity and that they had decided to forget and forgive any ill will and have no vengeance against each other, and quashed the FIR leading to the Criminal Appeal and all the proceedings there from, were declared annulled.

7. In view of the fact that the appellant has already undergone sentence of almost three and half years and that the matter has been compromised between the parties and the FIR along with consequential proceedings stands, quashed, the appeal is allowed and the appellant is acquitted for the offence on the sentence under Section 307 and 341 IPC.

8. The appeal is allowed and is accordingly disposed of.

NEENA BANSAL KRISHNA, J

JULY 22, 2024/va