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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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+ CRL.A. 519/2023 & CRL.M.(BAIL) 930/2023

ROHIT DAYMA @ ROHIT THAKURAppellant
Through: Mr. Pawan Jain, Advocate
with Appellant in person.

versus

STATE (GOVT. OF N.CT. DELHI)
THRU STANDING COUNSELRespondent
Through: Ms. Kiran Bairwa, APP
for the State with SI
Pawan, PS North Rohini.
Complainant in person.

17

+ CRL.A. 564/2023 & CRL.M.(BAIL) 1027/2023

MANJOT SINGHAppellant
Through: Mr. J.P.Singh, Mr.
Upendra Yadav and Mr.
Sahil Sansanwal,
Advocates with Appellant
in person.

versus

THE STATE NCT OF DELHIRespondent
Through: Ms. Kiran Bairwa, APP
for the State with SI
Pawan, PS North Rohini.
Complainant in person.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
21.05.2025

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1. The present appeals are filed by the appellants challenging the impugned judgment dated 16.08.2022 passed by the learned Additional Sessions Judge (North West), Rohini Courts, Delhi



(‘ASJ’), thereby convicting the appellants for the offence under Section 325/ 34 of the Indian Penal Code, 1860.

2. By the order on sentence dated 20.04.2023, the learned ASJ sentenced the appellants to undergo rigorous Imprisonment for a period of two years with a fine of ₹10,000/- and in default of the same, to undergo simple imprisonment for a month.

3. The victim is present in Court and states that he will be satisfied if he is adequately compensated. Both the appellants are present in the Court and state that considering their financial condition, they will be in a position to pay a sum of ₹1,00,000/- as monetary compensation to the victim. The victim is satisfied with the said amount and states that he has no objection if the proceedings are dropped.

4. It is trite law that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice.

5. It is implicit that in situations where a settlement is reached after a conviction, the Courts must exercise their discretion judiciously. This requires careful consideration of the context in which the incident occurred, the manner in which the compromise was achieved, and assessment of the gravity and seriousness of the offence. Additionally, the court should take into account the behaviour of the accused both prior to and following the incident.

6. Keeping in view the nature of dispute and the fact that the parties have amicably settled the dispute, this Court feels that no



useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court.

7. In view of the above, the present appeals are allowed and the judgment dated 16.08.2022 and order on sentence dated 20.04.2023 are set aside.

8. It is made clear that if the amount of ₹1,00,000/- is not paid within a period of three weeks to the victim, the State is at liberty to file appropriate application for recall of the present order.

9. Additionally, the appellants are also directed to pay a cost of ₹20,000/- to the Delhi Police Welfare Society, within a period of four weeks from date.

10. The proof of payment of compensation to the victim and proof of deposit of cost be submitted to the concerned SHO.

11. The order be placed in both the matters.

AMIT MAHAJAN, J

MAY 21, 2025

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