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

+ CRL.A. 893/2023

AMIT KUMAR

.....Appellant

Through: Mr. Satyam Pandey, Mr. Neeraj Kumar, Mr. S Kumar, Mr. Sandeep Kumar Dwivedi, Advs.

versus

STATE (NCT OF DELHI) THROUGH SHO PS GANDHI NAGAR

.....Respondent

Through: SI Rahul Kumar, PS Gandhi Nagar

Mr. Raj Kumar, APP

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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18.02.2025

1. This is an appeal challenging the judgment of conviction dated 18.07.2023 and order of sentence dated 18.09.2023 passed by the learned Principal District & Sessions Judge East, Karkardooma Courts, Delhi in Sessions Case No. 1543 of 2016 arising out of FIR No.120/2014 dated 21.02.2014 registered at PS Gandhi Nagar, East Delhi under Sections 308, 323, 506 and 34 of the Indian Penal Code, 1860 ("IPC").
2. *Vide* the impugned judgement, the appellant was acquitted under Sections 308, 506 and 34 of IPC and was convicted under Section 325 of IPC.
3. *Vide* the impugned order of sentence, the appellant was sentenced with a simple imprisonment for a period of 6 months and a fine of Rs. 5,000/-.
4. The brief facts of the case are that on 21.02.2014, an FIR was lodged against the appellant and his relatives, alleging that they inflicted



injuries on the complainant, Jony and his family members. The complainant further claimed that the appellant specifically caused grievous injury by assaulting him with a sword-like object.

5. On 19.09.2015, charges under Sections 308, 323, 506 and 34 of IPC were framed against the appellant to which he pleaded not guilty and claimed a trial.
6. The prosecution examined a total of 17 witnesses. The statement of the appellant was recorded under Section 313 of CrPC and the appellant did not lead any evidence in his defence.
7. The learned trial court *vide* the impugned judgement and the order of sentence, acquitted the appellant under Sections 308, 506 and 34 of IPC and the appellant was convicted under Section 325 of IPC.
8. Aggrieved by the judgement of conviction, the appellant filed the present appeal.
9. My attention is drawn to the fact that during the pendency of the present proceedings, the appellant and the complainant have settled their disputes for a sum of Rs. 1,45,000/- in full and final settlement, out of which, a sum of Rs. 75,000/- has already been paid and the balance sum of Rs. 70,000/- has been paid today in the Court.
10. The appellant is present today in the Court and has been identified by Mr. Sandeep Kumar Dwivedi, learned counsel for the appellant. The complainant is also present today in the Court and has been identified by SI Rahul Kumar, PS Gandhi Nagar, Delhi.
11. It is pertinent to note that the appellant and the complainant state that the settlement has been arrived at out of their own free will and without any undue influence, threat, pressure or coercion and has no objection to the



said settlement.

12. In the present case, the appellant and the complainant have been neighbours for years. The disputes arose between them over issues such as littering in the street and the noise of the loudspeakers. The conflict escalated into an altercation, resulting in stone pelting from both sides, causing injuries to individuals on both sides.
13. In this regard, it would be relevant to note the observations of the Hon'ble Supreme Court in the case of **Ramgopal v. State of Madhya Pradesh, (2022) 14 SCC 531** wherein the Hon'ble Apex Court recounted the scope of powers exercisable by a High Court under Section 482 of CrPC, which reads as under:-

“13. It appears to us 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. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 482CrPC would be to secure the ends of justice. There can be no hard-and-fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482CrPC may lead to rigid or



specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in Narinder Singh v. State of Punjab [Narinder Singh v. State of Punjab, (2014) 6 SCC 466, para 29 : (2014) 3 SCC (Cri) 54] and Laxmi Narayan [State of M.P. v. Laxmi Narayan, (2019) 5 SCC 688, para 15 : (2019) 2 SCC (Cri) 706] .

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18. It is now a well crystallised axiom that the plenary jurisdiction of this Court to impart complete justice under Article 142 cannot ipso facto be limited or restricted by ordinary statutory provisions. It is also noteworthy that even in the absence of an express provision akin to Section 482CrPC conferring powers on the Supreme Court to abrogate and set aside criminal proceedings, the jurisdiction exercisable under Article 142 of the Constitution embraces this Court with scopious powers to quash criminal proceedings also, so as to secure complete justice. In doing so, due regard must be given to the overarching objective of sentencing in the criminal justice system, which is grounded on the sublime philosophy of maintenance of peace of the collective and that the rationale of placing an individual behind bars is aimed at his reformation.

19. We thus sum up and hold that as opposed to Section 320CrPC where the Court is squarely guided by the compromise between the parties in respect of offences “compoundable” within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482CrPC or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of



Section 320CrPC. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind:

19.1. Nature and effect of the offence on the conscience of the society;

19.2. Seriousness of the injury, if any;

19.3 Voluntary nature of compromise between the accused and the victim; and

19.4 Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.”

14. On perusal, it is clear that in the present case, the dispute between the appellant and the complainant was purely a fight at a spur of the moment. The said fight occurred because of littering in the street and the noise of the loudspeakers on account of a wedding in the family of the complainant, which was causing inconvenience to the appellant.
15. It is also pertinent to note that the alleged incident occurred in February, 2014 and as of today, a period of more than 11 years has elapsed and the appellant and the complainant have settled their disputes voluntarily and are living together as neighbours in harmony.
16. Additionally, there are no other criminal cases against the appellant and the said FIR was the only case registered against the appellant.
17. Relying on the said judgement, it is true that as per Section 320 of CrPC, the offence under Section 325 of IPC is compoundable with the permission of the concerned court and with the consent of the victim. In the present case, the complainant/victim has already stated that he has



no objection to the appeal being allowed. In addition, the High Court whilst exercising its powers under Section 482 of CrPC, can consider the settlement reached between the parties and can acquit the appellant/accused in such cases.

18. Having regard to these overall factors, I am of the view that the appellant and the complainant are neighbours and after settling their disputes, both sides have agreed to maintain peace and harmony in the society. Taking into account the decision of the Hon'ble Supreme Court in the case of ***Ramgopal v. State of Madhya Pradesh (supra)***, the judgment dated 18.07.2023 and the order of sentence dated 18.09.2023 passed by the learned Principal District & Sessions Judge East, Karkardooma Courts, Delhi in Sessions Case No. 1543 of 2016 are hereby set aside and the appellant is acquitted of the offence under Section 325 of IPC.
19. The surety bond stands discharged.
20. The appeal is allowed and is disposed of accordingly.

JASMEET SINGH, J

FEBRUARY 18, 2025 / (MS)

[Click here to check corrigendum, if any](#)