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

+ **CRL.A. 627/2018 & CRL.M.A. 5269/2025**

NEERAJ SHARMA

.....Appellant

Through: Mr Tushar Gupta, Ms. Diksha
Kakkar, Advocates

versus

STATE (GNCT OF DELHI) & ANR

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for the
State with SI Gurish, P.S. Daryaganj,
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **04.03.2025**

1. The present appeal under Section 374 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed by the Appellant/accused seeking setting aside of the judgment dated 26.05.2018 and order on sentence dated 26.05.2018 passed by the learned Additional Sessions Judge (Central District), Tis Hazari Courts, Delhi in the case bearing SC No. 697/2017 arising out of FIR No. 202/2013 registered at Police Station, Daryaganj for offences under Section 325 of the Indian Penal Code, 1860 ('IPC'). whereby the Appellant/accused was convicted for the offence under Section 325 IPC.

2. Learned counsel for the Appellant states that she has filed Crl. M.A. 5269/2025 for placing on record the Memorandum of Understanding ('MOU') dated 21.01.2025 executed between the Appellant herein and the Respondent No. 2/complainant i.e., Mr. Ashok Kumar Sharma.



2.1. She states that as per the aforesaid MOU, the parties have agreed that the conviction in order of sentence dated 26.05.2018 may be set aside or the offence under Section 325 IPC be compounded.

2.2. She states that Appellant was charged and has been convicted under Section 325 IPC to serve a sentence of one (1) year and pay a fine of Rs. 10,000/- to the State. She states that the fine of Rs. 10,000/- has already stands paid.

2.3. She submits that Section 325 IPC is a compoundable offence and this Court has the requisite jurisdiction under Section 320(5) Cr.P.C. to permit the Appellant/accused and Respondent No. 2/complainant to compound this offence with the leave of this Court.

3. The Respondent No. 2/complainant, who is present in Court is identified by his counsel and the Investigating Officer (IO).

4. Learned counsel for Respondent No. 2/complainant states that Respondent No. 2 has executed the MOU dated 21.01.2025 and executed the affidavit dated 30.01.2025, recording his no objection to the compounding of the offence in the present matter. This Court has interacted with Respondent No. 2 and he confirms that the signing of the MOU and the request for compounding.

5. In the present case, on 20.07.2013, around 2:15 PM, Smt. Kavita Sharma (wife of Respondent No. 2/complainant) saw that the Appellant/accused was breaking the water tank of the house with a brick. On seeing this, she called her husband Ashok Kumar Sharma i.e., Respondent No. 2/complainant. When Respondent No. 2/complainant objected to it, Appellant/accused threw a half brick towards the Respondent No. 2/complainant. The half brick hit the head of Respondent No.



2/complainant and his head started bleeding. The Respondent No. 2/complainant was taken to the hospital. Subsequently, the subject FIR was registered against the Appellant/accused.

6. Thereafter, the Appellant/accused was sentenced to rigorous imprisonment for one year and a fine in the sum of Rs. 10,000/- under Section 325 IPC by the Trial Court in the subject FIR. In case of default of payment of fine, the Appellant/accused was directed to undergo simple imprisonment for six months.

7. In the present proceedings, the Appellant/accused seeks compounding of the offence under Section 325 IPC, committed by him against the Respondent No. 2/complainant and further seeks acquittal from the conviction in the subject FIR.

8. In the case of **Dasan v. State of Kerala and Another**¹, the Supreme Court faced a similar situation, wherein the appellant/accused therein has challenged the judgment passed by the High Court of Kerala confirming the appellant's conviction under Section 326 IPC. The Supreme Court while converting the conviction of the appellant/accused therein under Section 326 IPC into Section 325 IPC not only granted permission to compound the offence under Section 325 IPC but also acquitted the appellant/accused. The Supreme Court held as under: -

“7. Section 320 of the Criminal Procedure Code (the Code) pertains to the offences punishable under the Penal Code only. It states which offences can be compounded, by whom they can be compounded and which offences can be compounded only with the permission of the court concerned. Sub-sections (3) to (8) thereof further clarify how Section 320 of the Code operates. Sub-section (9) thereof states that no offence shall be compounded except as

¹ (2014) 12 SCC 666



provided by this section. The legislative intent is, therefore, clear. Compounding has to be done strictly in accordance with Section 320 of the Code. No deviation from this provision is permissible.

...

11. In the circumstances, in our opinion, the appellant's conviction under Section 326 of the Penal Code needs to be converted into one under Section 325 of the Penal Code. We accordingly, convert the conviction of the appellant from one under Section 326 of the Penal Code to one under Section 325 of the Penal Code. Offence under Section 325 of the Penal Code is compoundable by the person to whom the hurt is caused with the permission of the court. The question is whether in this case, permission to compound the offence should be granted because PW 2 Uddesh to whom the hurt is caused has made a request to this Court that offence be compounded?

12. In *Ram Shanker v. State of U.P.* [(1982) 3 SCC 388 (1) : 1983 SCC (Cri) 60] , the complainant and the accused had settled the criminal case and an application was made for compounding the offence. The accused were convicted for the offence under Section 307 of the Penal Code. This Court converted the conviction of the appellant from one under Section 307 of the Penal Code to that of an offence under Section 325 read with Section 34 of the Penal Code. Permission to compound the offence was granted and the appellants therein were acquitted.

13. Having converted the appellant's conviction into one under Section 325 of the Penal Code, we are inclined to follow the course adopted by this Court in *Ram Shanker* [(1982) 3 SCC 388 (1) : 1983 SCC (Cri) 60] and grant permission to compound the offence. The offence was committed on 24-8-1996. Eighteen long years have passed thereafter. The appellant and PW 2 Uddesh who suffered the grievous injury have compromised the case. They wish to accord a quietus to their disputes. We, therefore, grant permission to compound the offence under Section 325 of the Penal Code to the appellant and PW 2 Uddesh, who is added as Respondent 2 herein. **The offence under Section 325 of the Penal Code is compounded.** The impugned judgment [*Dasan v. State of Kerala*, Criminal Revision Petition No. 1931 of 2004, order dated 17-1-2012 (Ker)] is set aside. **The appellant Dasan is acquitted.** He is on bail. His bail bond stands cancelled. The appeal is disposed of."

(Emphasis Supplied)



9. In the case of **Ramji Lal and Another v. State of Haryana**², the Supreme Court while compounding the offences for which the appellants therein who were convicted and setting aside the conviction and sentence imposed on the appellants therein, noted as under: -

“3. When the special leave was taken up for hearing today, Dr Chauhan, appeared for the appellants and Mr B.B. Singh, learned counsel appeared for the original injured complainant. Both drew our attention to an affidavit dated November 1, 1982 filed by the original injured complainant, Nasib Singh, in which he has stated that he has entered into composition and that has been done voluntarily and that even though he was offered compensation he declined to accept the same. He stated that the composition was brought about by the intervention of friends and well-wishers to restore friendly and good neighbourly relations with the accused.

...

5. All the offences for which the appellants are convicted are compoundable and the composition can be entered into with the permission of the court. Looking to the chastened attitude of the accused and the commendable attitude of the injured complainant, in order to restore harmony in the society, we accept the composition. We grant permission to enter into the composition and accept the same. We accordingly allow the appeal and set aside the conviction and sentence imposed on both the appellants. If they are on bail, their bail-bonds will be cancelled. If they are in jail, they will be released from the jail forthwith.”

(Emphasis Supplied)

10. An offence of causing grievous hurt punishable under Section 325 IPC is covered by sub- section (2) of Section 320 of Cr.P.C. It is thus clear that an offence punishable under Section 325 IPC is also compounded with the permission of the Court.

11. Keeping in view the aforesaid judgments of the Supreme Court, considering the above settlement between the parties and having regard to

² (1983) 1 SCC 368



the entire circumstances, this Court is of the opinion that continuation of the proceedings in the subject FIR will not serve any meaningful purpose whatsoever and the present matter is a fit case for compounding the offence under Section 320 of Cr.P.C. Accordingly, this Court grants permission to compound the offence under Section 325 IPC committed by the Appellant/accused in the case bearing SC No. 697/2017 arising out of FIR No. 202/2013 registered at Police Station, Daryaganj.

12. In view of the aforesaid submissions since the offence has been compounded, the Appellant/accused is hereby acquitted of the said offence in terms of Section 320(8) of Cr.P.C.

13. Parties shall abide by the terms of settlement.

14. Accordingly, the present appeal is disposed of.

15. Pending applications (if any) are disposed of as infructuous.

MANMEET PRITAM SINGH ARORA, J

MARCH 4, 2025/mt/MG

Click here to check corrigendum, if any