



\$~43

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

+ **CRL.A. 566/2017**

SHAHRUKH KHAN

.....Appellant

Through: Ms. Rakhi Dubey, Advocate

versus

STATE

.....Respondent

Through: Ms. Shubhi Gupta, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

18.12.2025

%

1. By way of the present appeal, the appellants seek to assail the judgment of conviction dated 16.07.2016 and order on sentence dated 20.07.2016 passed by the Additional Sessions Judge-II, North-West District, Rohini Courts, Delhi in SC No. 40/2015, arising out of FIR No. 420/2012 registered at P.S. Vijay Vihar under Sections 341/323/308 IPC.
2. Vide order on sentence, appellant was directed to undergo rigorous imprisonment for a period of four years with a fine of Rs. 20,000/- for the offence punishable under Section 308 IPC, with a default sentence of three months simple imprisonment Further, he was directed to pay Rs.25,000/- as compensation to the victim.
3. Vide order dated 22.05.2017, the appellant was granted suspension of sentence during pendency of the appeal.
4. The prosecution case, briefly stated, is that on 31.10.2012, the complainant *Salma Khatoon* (PW-5) was proceeding towards the house of the accused *Shahrukh Khan* to complain to his mother regarding an earlier quarrel involving her son. It is alleged that the accused intercepted her on the way, restrained her from proceeding further, pushed her to the ground,



and assaulted her by giving fist and leg blows on her face and head. During the assault, the *kaada* worn by the accused on his hand struck the complainant on her forehead, resulting in bleeding and serious injuries. Thereafter, the accused fled from the spot. The complainant was admitted to BSA Hospital by the police.

5. In support of its case, the prosecution examined thirteen witnesses. PW-5, the complainant, supported the prosecution version and identified the accused in Court as the person who assaulted her. PW-6, her son, deposed regarding the prior quarrel and the background leading to the incident. PW-12, the husband of the complainant, corroborated the occurrence and deposed that upon seeing him arrive, the accused fled from the spot. The medical witnesses proved the MLC, CT scan and medical opinion opining the injuries to be dangerous in nature. The remaining witnesses, including police officials, deposed with regard to the registration of the FIR, preparation of the site plan, arrest of the accused, and the investigation carried out in the case.

6. In his statement under Section 313 Cr.P.C., the accused denied all incriminating circumstances and claimed false implication, alleging that the complainant had sustained injuries due to a fall and that he had been implicated due to prior rivalry. No defence evidence was led.

7. The Trial Court, upon appreciation of the evidence on record, correctly held that the prosecution had proved beyond reasonable doubt that the accused *Shahrukh Khan* had assaulted the complainant and caused injuries on a vital part of her body. The Court found that while the prosecution failed to establish the ingredients of Section 307 IPC, it successfully proved the offence punishable under Section 308 IPC. Upon re-



appraisal of the record, this Court finds no infirmity in the findings returned by the Trial Court. The testimony of the complainant is consistent and duly corroborated by medical evidence. The MLC establish that the injuries sustained were “*dangerous*” in nature, and no material contradiction has been brought on record to discredit the prosecution case. Accordingly, the conviction of the accused *Shahrukh Khan* under Section 308 IPC calls for no interference.

8. Learned counsel for the appellant, on instructions, submits that appellant does not wish to press the appeal on merits and confines his prayer to seeking release on probation. Further it is stated that a lenient view be taken, considering the family circumstances of the appellant. Lastly, it is submitted that the appellant voluntarily undertakes to pay the compensation amount.

9. Learned APP for the state submits the appellant has two other cases pending one of which being FIR No.888/2015 registered under Section 308 IPC at P.S. Vijay Vihar is pending trial and the other being FIR No.219/2020 registered under Section 188 IPC at P.S. Mangol Puri has resulted in settlement. A status report in this regard has been handed over, which is taken on record.

10. Pursuant to the directions of this Court, the Social Investigation Report (SIR) submitted in respect of the appellant *Shahrukh Khan* records that he is a 33-year-old married man, residing at E-1/32, 2nd Floor, Budh Vihar, Delhi, in a rented four-room accommodation. He resides with his parents, three younger brothers and their families, while his wife has been residing separately at her parental home for the past year. The appellant has a minor daughter aged about six years, who is studying in Class I. His father



is around 70 years of age and is orthopaedically handicapped in one leg, and his mother is under medication for diabetes, cholesterol and thyroid-related ailments. The SIR notes that the appellant is educated up to the 8th standard and is presently working as a fruits and vegetables vendor, earning approximately Rs.10,000/- per month. The overall economic condition of the family is stated to be modest, and the appellant is the primary breadwinner for his daughter. His home conditions are described as basic, and the locality is predominantly inhabited by persons belonging to the lower socio-economic strata. During the interaction, the appellant's behaviour was found to be calm and in conformity with normal social conduct. He was observed to be of stable temperament, with no signs of abnormal behaviour, and his physical and mental condition was reported to be normal. He stated that he does not have any adverse habits, except occasional smoking and drinking, and prefers spending his leisure time with his family. No adverse external influences or associations were reported. The family members, particularly the appellant's mother, described him as a responsible person who takes care of his family and fulfils his obligations. The family expressed that the prolonged pendency of the criminal case since 2012 has caused significant mental stress to the appellant and his household. Neighbours contacted during the enquiry did not report any adverse conduct against him, though some indicated limited familiarity due to their relatively recent residence in the locality. His conduct in custody has been reported as satisfactory. Upon overall assessment, the Probation Officer observed that the appellant has stable family support, no adverse criminal history, and shows scope for reformation and rehabilitation. The report concludes that the appellant is a suitable candidate for being considered for release on



probation, with an opportunity for reintegration into society under supervision.

11. The underlying object of releasing offenders on probation is to facilitate their reintegration into society as law-abiding citizens, fostering self-reliance and aiding in their reformation. A testament to the importance of this provision is that the Supreme Court in Lakhvir Singh & Ors. Vs. State of Punjab & Anr.,¹, has extended the benefits of the Probation Act even to convicts who had not completed the mandatory minimum sentence of seven years as prescribed in Section 397 IPC.

12. Pertinently, in the present case, the appellant *Shahrukh Khan* stands convicted only for the offence punishable under Section 308 IPC. The said provision does not prescribe any mandatory minimum sentence and permits the Court to award imprisonment, fine, or both. It is well settled that the provisions of the Probation of Offenders Act, 1958 operate in harmony with the provisions of the Indian Penal Code and that the benefit of probation may be extended in all cases where the statute does not expressly prohibit its application or mandate a compulsory minimum term of incarceration. In the absence of any statutory bar in respect of Section 308 IPC, this Court retains the discretion to consider the grant of probation, subject to the facts and circumstances of the case.

13. Having regard to the submissions advanced on behalf of the appellant, his family circumstances, the favourable observations recorded in the Social Investigation Report, his satisfactory jail conduct and the prolonged pendency of the proceedings since the year 2012, this Court is persuaded that the ends of justice would be met by adopting a reformatory approach.



Accordingly, while upholding the judgment of conviction and the order on sentence, the sentence of imprisonment imposed upon the appellant is modified to the extent that he shall be released on probation of good conduct under Section 4 of the Probation of Offenders Act, 1958, upon furnishing a probation bond in the sum of Rs.10,000/- with one surety of the like amount, to the satisfaction of the Trial Court, within six weeks from today. The appellant shall remain on probation for a period of one year and shall maintain peace and good behaviour during the said period and shall not commit any offence.

14. It is made clear that in the event of any breach of the conditions of probation or involvement in any other offence during the period of probation, the benefit granted under this order shall stand revoked, and the appellant shall be liable to undergo the sentence as originally awarded by the Trial Court.

15. The appellant has voluntarily undertaken to deposit the compensation amount within a period of eight weeks. Upon such deposit, the Trial Court shall ensure that the same is released to the victim at the earliest.

16. The appeal stands disposed of in the above terms.

17. The bail bonds furnished on behalf of the appellant shall stand cancelled, and the sureties shall stand discharged accordingly.

18. A copy of this judgment be communicated to the concerned Trial Court, the Probation Officer, and the Jail Superintendent for information and compliance.

MANOJ KUMAR OHRI, J

DECEMBER 18, 2025/kb

¹ (2021) 2 SCC 763