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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 1188/2016 & CRL.M.A. 27511/2022**

DEEPAK KUMAR

.....Appellant

Through: Mr. Ravi Tukaria, Adv.
Appellant in person.

versus

STATE (GOVT. OF NCT
OF DELHI)

.....Respondent

Through: Mr. Ritesh Kumar Bahri,
APP for the State with Ms.
Divya Yadav & Mr. Lalit
Kumar, Advs.
Inspector Mintu Singh,
PS- SP Badli.
Victim in person

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **13.05.2025**

1. The present appeal is filed challenging the judgment dated 19.11.2016 (hereafter '**impugned judgment**') and the order on sentence dated 25.11.2016 (hereafter '**impugned order on sentence**'), passed by the learned Additional Sessions Judge, in SC No. 58107/2016 arising out of FIR No. 120/2012, registered at Police Station S.P. Badli.
2. By the impugned judgment, the appellant was convicted for offences under Section 452 read with Section 34 of the Indian Penal Code, 1860 ('**IPC**') and Section 308 read with Section 34 of IPC.
3. By the impugned order on sentence, the appellant was sentenced to undergo rigorous imprisonment for a period of four years and to pay fine of ₹5,000/-, and in default of payment of fine, to undergo simple imprisonment for a period six months for offence under Section 452 read with Section 34 of the IPC. The appellant was also sentenced to undergo rigorous imprisonment



for a period of five years and to pay fine of ₹10,000/- for the offence under Section 308 read with Section 34 of IPC and in default of payment of fine, to undergo simple imprisonment for a period of six months. All the sentences were directed to run concurrently.

4. The learned counsel for the appellant submits that the victim and the appellant have settled their dispute and have entered into Memorandum of Understanding dated 08.08.2022, without any force, fear, coercion, inducement or pressure of any kind.

5. He further submits that the parties are neighbours and ₹2,00,000/- has already been paid to victim as compensation in terms of the settlement dated 08.08.2022.

6. The parties are present in Court and have been duly identified by the Investigating Officer.

7. The victim, on being asked, states that he does not wish to pursue any proceedings against the appellant and he is satisfied with the compensation. In the present case, the compromise has been reached between the parties after the conviction of the appellant.

8. 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.

9. Parties are stated to be neighbours and have decided to move on in life and live peacefully without acrimony. In such



circumstances, even though the judgment of conviction has been passed, in the opinion of this Court, upholding the conviction despite the parties having settled would be an abuse of the process of law.

10. However, since the State machinery has been put to motion and the settlement is arrived at such a belated stage, ends of justice would be served if the appellant is put to cost.

11. In view of the above, the present appeal is allowed and the impugned judgment and impugned order on sentence are set aside, subject to payment of a cost of ₹10,000/- by the appellant, to be deposited with the Delhi Police Welfare Society, within a period of four weeks from today.

12. Let the proof of deposit of cost be furnished with the concerned SHO.

13. It is made clear that this Court has not commented on the merits of the case and any observation made in the present order shall not influence the proceedings against the other accused persons.

14. Pending applications also stand disposed of.

AMIT MAHAJAN, J

MAY 13, 2025/“SS”