



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

Date of Decision: 11th May, 2026

IN THE MATTER OF:

+ CRL.A. 1414/2014, CRL.M.A. 11356/2026

LUICE @ JOHNY ANTHONY

.....Appellant

Through: Mr. Prasanth. K., Advocate with all
the Appellants-in-person.

versus

THE STATE

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State
with SI Lucy, PS Ranjit Nagar.

+ CRL.A. 137/2016

STATE GOVT OF NCT OF DELHI

.....Appellant

Through: Mr. Nawal Kishore Jha, APP for State
with SI Lucy, PS Ranjit Nagar.

versus

LUICE @ JOHNY ANTHONY & ORS

.....Respondents

Through: Mr. Prasanth.K., Advocate with all
the Appellants-in-person.

CORAM:

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT (ORAL)

VIMAL KUMAR YADAV, J.

1. Futility of fraternal fracas dawned upon the siblings / cousins but quite late. In the process, 16 years were consumed together with money/stress, inconvenience, bad blood and mutual suspicion amongst the extended family members. However, after a full round of criminal trial



resulting into verdict against the accused persons named in the FIR and time spent in Appeal, the parties to a verbal dual which spilled over into a physical fight, realized after conviction that it was nothing but a sheer wastage of time, energy and resources etc., if it is carried forward further. That paved the way for a settlement amongst the parties and based upon the same, compounding of the offence was sought inasmuch as conviction was under section 323 IPC, which is compoundable under section 319/320 Cr.P.C.

2. It so happened that an FIR came to be registered under section 308/34 IPC at PS Ranjeet Nagar bearing registration number 173/2010 which traversing through the trial culminated into the Impugned Judgment dated 20.09.2014 whereby learned Additional Sessions Judge-05, Tis Hazari Courts, Delhi Convicted the Appellant herein under Section 323 IPC and sentenced the convict through the order on sentence dated 22.09.2014 with the following punishment:-

“Considering the facts and circumstances of the case in hand, I am of the opinion that ends of justice would meet by sentencing convict Lucie @ Johny Anthony, simple imprisonment for a period of Six month for commission of offence punishable U/s 323 IPC.”

3. Two appeals were preferred, one by the accused-appellant and the other by the State, seeking review of the Impugned Judgment in terms of charge framed expecting and pleading that the Respondent in Crl.A.137/2016 requires to be punished with enhanced punishment. Both the appeals were taken together being essentially the outcome of a single Judgment dated 20.09.2014.

4. The brief facts required for appreciating the contentions of the rival parties are delineated hereunder:-



(a) On 04.09.2010 at about 10 pm, a verbal duel took place between Smt. Rani, Morris James and Johnson James on one side and Smt. Beena Anthony and Luice @ Johny Anthony and Mr. Anurag on the other side. Soon it led to a free for all and subsequently assault which led to the registration of FIR.

(b) Through the instant application i.e. Crl.MA.1356/2026, the parties came together and sought that the offence under section 323 IPC being compoundable, may be compounded inasmuch as Smt. Rani, Morris James and Johnson James on one side and Beena Anthony, Luice @ Johny Anthony and Mr. Anurag on the other side, have voluntarily resolved and reconciled their dispute and have all signed the 'Settlement Deed' / 'Memorandum of Understanding' dated 09.02.2026 which has been placed on record. They have decided to live in peace and harmony with each other and maintain cordial family relationship. The 'Memorandum of Understanding' has been verified by the prosecution.

5. Against the backdrop of aforesaid facts and circumstances, learned counsel for the Appellant rather Counsel for the parties now with the aid of the judgment in *Mohd.Abdul Sufan Laskar & Ors. vs. State of Assam, (2008) 9 SCC 333* whereby Hon'ble Supreme Court permitted the compounding of offence under section 324 IPC, it is sought that this case which is qua a lesser offence under section 323 IPC, should also be permitted to be compounded. The relevant portion of the above mentioned judgment is reproduced hereunder:

“11. We have heard learned counsel for the parties.



12. The learned counsel for the appellants submitted that the parties have compromised the matter, entered into settlement and an application is made to that effect praying therein that compounding may be ordered for offences punishable under Sections 147 and 324 IPC and an appropriate order in accordance with law may be passed. The compromise deed is also placed on record signed by the parties wherein it is expressly stated that the injured Abdul Haque Laskar has voluntarily given his consent without any force, threat, coercion, undue influence, pressure, etc. from any quarter whatsoever for making the joint compromise petition before this Court. A prayer is, therefore, made by all the parties to compound the offence and acquit the three appellants who have approached this Court.

13. "11. [Now] it is no doubt true that every crime is considered to be an offence against the society as a whole and not only against an individual even though an individual might have suffered thereby. It is, therefore, the duty of the State to take appropriate action against the offender. It is equally the duty of a court of law administering criminal justice to punish a criminal. But there are offences and offences. Certain offences are very serious in which compromise or settlement is not permissible. Some other offences, on the other hand, are not so serious and the law may allow the parties to settle them by entering into a compromise. The compounding of an offence signifies that the person against whom an offence has been committed has received some gratification to an act as an inducement for his abstaining from proceeding further with the case.

12. So far as the Code of Criminal Procedure is concerned, Section 320 deals with offences which are compoundable, either by the parties without the leave of the court or by the parties but only with the leave of the court. Sub-section (1) of Section 320 enumerates the offences which are compoundable without the leave of the court, while sub-section (2) of the said section specifies the offences which are compoundable with the leave of the court. Sub-section (9) of Section 320 declares: 'No offence shall be compounded except as provided by this section.' It is thus clear that offences not referred to in sub-sections (1) and (2) of Section 320 and not included in the table are not compoundable. Similarly, offences punishable under laws other than the Penal Code also cannot be compounded."



14. *Sub-section (8) of Section 320 of the Code expressly enacts that where the composition of an offence under this section is recorded by the court, it shall have effect of an acquittal of the accused with whom the offence has been compounded.*

15. *Under the Code, as originally enacted in 1973, an offence punishable under Section 324 IPC (voluntarily causing hurt by dangerous weapons or means) was made compoundable with the leave of the court. The said entry read as under:*

“TABLE [Ed.: This table is quoted from Section 320(2) of the Criminal Procedure Code, 1973.]

<i>Offence</i>	<i>Section of the Penal Code, 1860 applicable</i>	<i>Person by whom offence may be compounded</i>
<i>1</i>	<i>2</i>	<i>3</i>
<i>Voluntarily causing hurt by dangerous weapons or means.</i>	<i>324</i>	<i>The person to whom hurt is caused.”</i>

16. *It is no doubt true as stated by the learned counsel for the appellants even at the time of preliminary hearing of this matter that by the Code of Criminal Procedure (Amendment) Act, 2005 (Act 25 of 2005) the above entry has been deleted. In other words, an offence of voluntarily causing hurt by dangerous weapons or means punishable under Section 324 IPC is no more compoundable. The Amendment Act of 2005 came into force from 23-6-2006.*

17. *As we have already noted, according to the prosecution, the appellants had committed the offence on 15-6-1995. In view of the above fact, in our opinion, Act 25 of 2005 has no application to the facts of the case. We, therefore, see no ground to refuse permission as sought by the parties who have compromised the offence which was compoundable under the Code as it stood in 1995. If it is so, compounding can be permitted and the accused (the appellants) can be acquitted.*

18. *For the foregoing reasons, in our opinion, the appeal deserves to be allowed and is accordingly allowed by holding that since the matter has been compounded by compromise between the parties*



and there is no illegality therein, such compounding can be permitted by the Court. The appellants are, hence, entitled to acquittal.

19. The order of conviction and sentence recorded by all courts is hereby set aside and the appellants are ordered to be acquitted of the charges levelled against them.”

6. In addition to the aforesaid judgment, learned counsel for the Appellant has also placed reliance on two more judgements i.e. **Anand Jain & Ors. vs. State (2012) SCC Online Del 612** and **Rakesh vs. The State, 2016 SCC OnLine 3825**, and averred that in a similar set of facts and circumstances, where the parties were only neighbours, whereas in the instant case, they are part of the extended family, such a compounding was allowed.

7. Learned APP for the State on the other hand came up with the plea that the victims Morris James and Johnson James were hit on their head with a cricket bat, which had the potential to result into fatal injury and therefore, it is submitted that compounding should not be permitted, especially when an Appeal has been preferred by the Prosecution too, for enhancement of the punishment under Section 308 IPC. On the aspect of the compounding, learned APP for State chose not to say anything except that the ‘Memorandum of Understanding’ placed on record, has been verified and that the parties involved are family members. However, learned APP for State vehemently argued that penal punishment in the form of imposition of fine/ cost be levied upon the Appellant(s), to ensure that such act should not repeated in future.

8. Having taking into consideration the facts as unfolded in the preceding paras, especially the fact that the parties involved are closely related to each other and that they have now, after so many years, realized



their folly and have resumed their familial relationship. The aggressor has been forgiven by the victims, who happen to be the uncles of the aggressor.

9. The ultimate aim of Law and Court Administration is to ensure peace in the Society and adherence to the Laws. If the peace is otherwise achieved by the parties then in that eventuality, the Court should not create any impediment or a road block rather encourage it, unless it is not bonafide.

10. The circumstances of the instant case do not reflect any lack of bonafide. There is no doubt about the proximity of the relationship amongst the parties and it is permissible and has been permitted in almost all cases which share identical facts that compounding was allowed and there appears no reason why it should not be allowed in the instant case. Such settlements which aim to bring peace and cordiality in the family members and in the Society at large, should rather be encouraged.

11. In view of these facts and circumstances, the offence under section 323 stands compounded and the Appellant Luce @ Johny Anthony stands acquitted of the charge.

12. Consequently, in view of these developments, no useful purpose would be served by continuing with the appeal. The parties can hence demand and expect quashing of the FIR and the proceedings emanating thereafter. No reason could be there not to accept their plea in view of the developments having taken place. As such, the appeal preferred by the State, accordingly stands disposed of. Application(s), if any, also disposed of.

13. In view of this, both the Appeal(s) stands disposed off.

VIMAL KUMAR YADAV, J

MAY 11, 2026/bj