

Suraj Singh Gujar & Anr.
v.
The State of Madhya Pradesh & Ors.
(Criminal Appeal No. 3731 of 2024)
30 August 2024

[Sudhanshu Dhulia and Ahsanuddin Amanullah, JJ.]

Issue for Consideration

Appellants were convicted by the Trial Court u/s.323, 324 and 325 r/w. s.34 of IPC. It is stated by the appellants that they have settled the dispute with the injured persons *vide* compromise deed dated 29.01.2024. In the instant appeal, they are seeking permission of the Court for compounding the offence.

Headnotes[†]

Penal Code, 1860 – ss.323, 324 and 325 r/w. s.34 – Constitution of India – Art.142 – Incident between relatives – Conviction under non-compoundable offences set aside:

Held: On perusal of affidavits filed, this Court found that since the appellants are the cousin of respondents no.2 and 3 and have tendered an unconditional apology regarding the incident, these respondents have agreed to compound the offence – A similar stand has been taken by respondent no. 4, who is the uncle of the appellants – As far as Sections 323 and 325 of the IPC are concerned, offences under these provisions are compoundable but the offence under Section 324 of the IPC is a non-compoundable offence – In a series of cases, considering that the incident occurred between relatives and the incident is of such a nature which did not have much impact on society, this Court had set aside the conviction by invoking its power under Article 142 of the Constitution in matters involving non-compoundable offences – However, this is to be done only in exceptional cases after considering various factors including the nature of injuries, relation between parties and the impact of crime on society, etc – In instant case, the incident occurred on 20.05.2011 relating to a minor issue where respondent no.2 was trying to tie bullocks to which the appellants objected by saying that it was their land – As is clear from the compromise, the appellants and complainant side are close relatives and

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after settling their disputes, both sides have agreed to maintain peace and harmony in the society – Taking all of this into account, the powers under Article 142 of the Constitution are invoked and the conviction of appellants in the present case are set aside. [Paras 4, 5, 6, 7]

Case Law Cited

Ramgopal & Anr. v. State of M.P [\[2021\] 6 SCR 249](#) : (2022) 14 SCC 531 – relied on.

Murali v. State [\[2021\] 1 SCR 201](#) : (2021) 1 SCC 726; *Manjit Singh v. State of Punjab & Anr.* (2020) 18 SCC 777; *Kailash Chand v. State of Rajasthan* (2021) 18 SCC 534; *Srinivasan Iyenger & Anr. v. Bimla Devi Agarwal & Ors.* (2019) 4 SCC 456; *Ramawatar v. State of M.P* [\[2021\] 10 SCR 499](#) : (2022) 13 SCC 635 – referred to.

List of Acts

Penal Code, 1860; Constitution of India.

List of Keywords

Section 323 of Penal Code, 1860; Section 324 of Penal Code, 1860; Section 325 of Penal Code, 1860; Settlement of dispute; Compromise between the parties; Compoundable offence; Non-compoundable offence; Nature of injuries; Incident between relatives; Article 142 of the Constitution.

Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 3731 of 2024

From the Judgment and Order dated 26.12.2023 of the High Court of M.P. Principal Seat at Jabalpur in CRLA No. 1999 of 2013

Appearances for Parties

Ms. Deeksha Saggi, Abhishek Kumar, Rituparn Uniyal, K Anil Singh, Ram Lal Roy, Advs. for the Appellants.

D. S. Parmar, A.A.G., Ms. Mrinal Gopal Elker, Abhimanyu Singh-G.a., Saurabh Singh, Ms. Shruti Verma, Nayan Mishra, Shivang Jain, Satyajeet Kumar, Advs. for the Respondents.

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Leave granted.

2. The appellants have been convicted by the Trial Court under Sections 323, 324 and 325 read with Section 34 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for three months, six months and one year for respective offences. Vide the impugned order dated 26.12.2023, Madhya Pradesh High Court disposed of the criminal appeal of appellants by maintaining their conviction and sentence as awarded by the Trial Court.
3. Now, the appellants have filed the present appeal stating that they have settled the dispute with the injured persons vide a Compromise Deed dated 29.01.2024 and thus, pray before us to grant permission for compounding the offence.

The relevant portion from paragraphs 12 to 17 of the Settlement Deed reads as follows:

“12. That the First Party and Second Party are Uncle and Nephew in relation, thereby with the interference of elders of the family members, the First Party and Second Party have agreed to settle their dispute amicably.

13. That the First Party has tendered unconditional apology to the Second Party before the elder members of their families and the Second Party being the uncle and looking at the age of First Party has agreed to forgive the First Party on the unconditional apology tendered by the first party.

14. That the Second Party and First Party have agreed to compound their offence with the leave of the Hon’ble Court.

15. That the present MOU has been signed and executed by the SECOND PARTY out of his own free will without any fear, pressure, coercion and undue influence of others.

16. That the FIRST PARTY and SECOND PARTY have also agreed that in future no such dispute will arise between the First Party and Second Party and further, they have also agreed that they will maintain peace and harmony in the society.

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17. That all the disputes in relation to above-mentioned FIR and Cases have been amicably settled by the parties and neither party shall file against the other, or against their family, relative successor or assign any criminal case in relation to the above-mentioned FIR and Cases.”

4. When this matter came for hearing before this Court on 22.04.2024, we had directed the appellants to implead the injured persons as party respondents and thereafter, the impleaded private respondents were asked to file the affidavits regarding their stand on compounding of the offences. We have gone through the affidavits and found that since the appellants are the cousin of respondents no.2 and 3 and have tendered an unconditional apology regarding the incident, these respondents have agreed to compound the offence. A similar stand has been taken by respondent no. 4, who is the uncle of the appellants.
5. As far as Sections 323 and 325 of the IPC are concerned, offences under these provisions are compoundable but the offence under Section 324 of the IPC is a non-compoundable offence.
6. Courts cannot grant permission to compound the non-compoundable offences, on the basis of any sort of compromise between the parties, as it would be contrary to what has been provided by legislation, except the High Court under Section 482 of Cr.PC and the Apex Court in exercise of its powers under Article 142 of the Constitution of India.

The compromise between the parties in non-compoundable cases has been taken into consideration by this Court in various occasions to reduce the sentence of the convicts. (See: *Murali v. State* (2021) 1 SCC 726; *Manjit Singh v. State of Punjab & Anr.* (2020) 18 SCC 777) Also, in a series of other cases, considering that the incident occurred between relatives and the incident is of such a nature which did not have much impact on society, this Court had set aside the conviction by invoking its power under Article 142 of the Constitution in matters involving non-compoundable offences. (See: *Kailash Chand v. State of Rajasthan* (2021) 18 SCC 534; *Srinivasan Iyenger & Anr. v. Bimla Devi Agarwal & Ors.* (2019) 4 SCC 456; *Ramawatar v. State of M.P* (2022) 13 SCC 635)

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However, this is to be done only in exceptional cases after considering various factors including the nature of injuries, relation between parties and the impact of crime on society, etc. While discussing the powers of Article 142 of the Constitution and Section 482 CrPC (in relation to High Courts) in quashing criminal proceedings in non-compoundable offences, this Court in *Ramgopal & Anr. v. State of M.P* (2022) 14 SCC 531 observed as follows:

“19. We thus sum up and hold that as opposed to Section 320 CrPC 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 482 CrPC or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 CrPC. 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.”

Considering the aforesaid factors, we have no doubt that the present case, which we are dealing with, is a fit case to invoke our powers under Article 142 of the Constitution.

7. In our case, the incident occurred on 20.05.2011 relating to a minor issue where respondent no.2 was trying to tie bullocks to which the appellants objected by saying that it was their land. As is clear from the compromise, the appellants and complainant side are close relatives and after settling their disputes, both sides have agreed to maintain peace and harmony in the society. Taking all of this into

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account, we invoke our powers under Article 142 of the Constitution and hereby, set aside the conviction of appellants in the present case. Appellants, who are already outside jail, need not surrender.

8. Accordingly, the present appeal stands disposed of along with the pending applications, if any.

Result of the case: Appeal disposed of.

[†]*Headnotes prepared by:* Ankit Gyan