2025 INSC 37

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. 2667 OF 2024
IN
SLP(CRL.) NO. 895 OF 2024

H. N. PANDAKUMAR ...APPLICANT(S)/PETITIONER(S)

VERSUS

THE STATE OF KARNATAKA ...RESPONDENT(S)

O R D E R

VIKRAM NATH, J.

1. The present Miscellaneous Application[1] seeking direction for compounding of offence has been filed by the applicant/petitioner in Special Leave Petition (Criminal) No. 895/2024, which was dismissed by this Court *vide* order dated 19.01.2024, thereby upholding the conviction of the applicant/ petitioner under Section 326 of the Indian Penal Code, 1860[2]. The applicant/petitioner, H.N. Pandakumar (Accused No. 3 in the original case), seeks relief for compounding the offense based on a compromise reached between the parties after the dismissal of the Special Leave Petition.

2. The original complaint was lodged by the respondent/complainant, Puttaraju, in FIR No. 198/2008 at

[1] In short "M.A."
[2] IPC

K.R. Pete Rural Police Station, Mandya, alleging that Accused Nos. 1 to 5 had formed an unlawful assembly and assaulted the complainant and his family members, causing grievous injuries. Following an investigation, charges were framed against all the accused under Sections 143, 341, 504, 323, 324, and 307 read with Section 149 the Indian Penal Code, 1860[3]. The Trial Court, vide its judgment dated 24.01.2012 in Sessions Case No. 68/2009, convicted Accused Nos. 3 and 4 under Section 326 read with Section 34 IPC, sentencing them to rigorous imprisonment for two years imposing a fine of Rs. 2,000/- each. The remaining accused were acquitted.

3. The petitioner's/applicant's appeal before the High Court of Karnataka, Bengaluru, in Criminal Appeal No. 218/2012, resulted in partial modification of the Trial Court's judgment. *Vide* its judgment dated 01.09.2023, the High Court reduced the petitioner's/applicant's sentence to one year while enhancing the fine amount to Rs. 2,00,000/- (Rupees two lakhs only). Accused No. 4 was acquitted. Aggrieved, the petitioner/applicant approached this Court through the aforementioned Special Leave Petition, which was dismissed on 19.01.2024.

4. Subsequently, the applicant/petitioner has filed the present Miscellaneous Application seeking relief for compounding the offense under Section 326 IPC, based on a compromise reached between the parties after the dismissal of the Special Leave Petition. The applicant/petitioner states that all the disputes between the applicant/petitioner's family and the

[3] IPC

complainant's family have been amicably resolved with the intervention of elders and villagers. The applicant/ petitioner has agreed to pay Rs. 5,80,000/- as total compensation to the complainant as part of the settlement. The complainant has filed an Interlocutory Application No. 227010/2024 for impleadment in support of the petitioner's prayer for compounding the offense, affirming the compromise and seeking closure of the matter to ensure peace and harmony between the parties. The complainant and the petitioner reside in close proximity, with only a road separating their houses, making it essential to maintain a peaceful relationship between the two families. The parties are also distantly related, and any lingering hostility is likely to disturb the social fabric of their neighbourhood. The compromise covers not only the criminal case but also related property disputes, including the right of way, which had been a point of contention for years. The applicant/petitioner's commitment to paying the agreed compensation reflects a genuine effort to end the discord and uphold the terms of the settlement. This Court notes that the complainant's unequivocal support for the compromise further underscores the voluntary nature of the settlement and the shared desire to put an end to all disputes.

5. In light of the amicable settlement and the complainant's unequivocal consent, as evidenced by the Interlocutory Application, this Court finds it appropriate to allow the present M.A. While the offense under Section 326 IPC is non-compoundable under the provisions of the Criminal

Procedure Code, 1973, the exceptional circumstances of this case, including the voluntary settlement between the parties, warrant the exercise of this Court's inherent powers to give effect to the compromise.

6. Accordingly, the Miscellaneous Application is allowed. The order dated 19.01.2024 dismissing the SLP *in limine* is recalled.

7. Leave granted.

8. For the facts and reasons recorded above, the appeal is partly allowed. The conviction recorded by the court's below is confirmed, however, the sentence of one year RI is reduced to the period already undergone.

9. The I.A. for impleadment stands disposed of in terms of this order.

10. All pending applications, if any, are also disposed of.

.....J.
(VIKRAM NATH)

.....J.
(PRASANNA B. VARALE)

NEW DELHI;
JANUARY 07, 2025