

## Trilok Chand Vs State of M.P.

**Court:** Madhya Pradesh High Court

**Date of Decision:** Oct. 10, 1996

**Acts Referred:** Criminal Procedure Code, 1973 (CrPC) â€” Section 320(2)  
Penal Code, 1860 (IPC) â€” Section 325

**Citation:** (1998) 1 MPJR 384

**Hon'ble Judges:** Jayant Govind Chitre, J

**Bench:** Single Bench

**Advocate:** Lokesh Bhatnagar, for the Appellant; B.S. Bule, Advocate for State and Mr. Manoj Soni, Advocate for Complainant, for the Respondent

**Final Decision:** Allowed

### Judgement

@JUDGMENTTAG-ORDER

J.G. Chitre, J.

The complainant and the petitioner have made a prayer to this Court for permitting them to compound the offence in view of provisions of Section

320 (2) of Criminal Procedure Code, 1973 (hereinafter referred to as the Code for convenience). The petitioner has been convicted for an offence

punishable under provisions of Section 325 of Indian Penal Code and has been sentenced to undergo R.I. for one year and to pay a fine of Rs.

500/- by the trial Court in Cri. Case No. 160/92. However, the lower appellate Court reduced the sentence to the term of R.I. for 3 months and

fine of Rs. 500/-, in default R.I. for further 3 months.

The petitioner and victim are thickly related with each other. The real sister of the victim has been married to the petitioner. The incident is the

result of a quarrel between them on account of grazing the cattle. As per prosecution evidence only one injury has been caused by the petitioner to

the victim. Both, victim and the petitioner want to live peacefully, happily as close relatives and, therefore, they have amicably settled their strained

relations on account of said solitary incident, as submitted by both Shri Lokesh Bhatnagar and Shri Manoj Soni. They submitted that the petitioner

and victim be permitted to compound the offence. Shri Bule submitted that it appears to be a proper course for them to secure their strained

relations amicably.

The villagers are to be encouraged for the purpose of settlement their controverse and disputes by amicable settlement. A solitary unfortunate

incident causes a trauma in the minds and that strains the relations of the concerned persons. The scar created by such incident remains in the heat

and that creates a distance between the relatives and that grows in the bitter enmity. Amicable settlements have been recognized since long and the

disputes in the villages used to be settled amicably before Panchayat and Panch-Committee. That has been now accepted as LOK ADALAT

movement. Such matters are being settled amicably before LOK ADALAT and that is the benevolent way of creating friendship amongst the

parties who are coming to the Court in the litigations. In the present case, both, the petitioner and victim are close relatives. If they remain with

strained relations, the wife of petitioner and real sister of victim would be a sufferer. Therefore, keeping in view this aspect of the matter the trial

Court and the learned lower appellate Court should have tapped the parties and the counsel in view of amicable settlement. At least, this matter

should have been placed before LOK ADALAT. It seems that the benefits of amicable settlement did not strike any body of them, may be, the

parties were not in the mood of settling their disputes. It is never late to mend and now the parties have come to settle their dispute amicably and,

therefore, they are praying for permission to do so. In the larger interests of the society and in the interests of justice such permission is hereby

granted.

Consequently the conviction and sentence passed against the petitioner by the trial Court which has been modified by the lower appellate Court

stands here by set aside and the petitioner is acquitted in view of the compounding of the crime. The fine, if any, paid by him be refunded to him.

The bail bounds furnished by him stands discharged.