

Nazidalishah and Another

Vs

State of Madhya Pradesh

Criminal Appeal No. 636 of 1987

(A. P. Sen, L. M. Sharma JJ)

07.12.1987

ORDER

1. Special leave granted.

2. We see no reason why the application moved by the appellants under Section 320(2) of the Code of Criminal Procedure, 1973 should not be granted. Appellant 2 Rabushan is a fakeer of the locality and the appellants and the complainants are close neighbours. Apparently the parties now bear good relations and want to preserve peace and amity in the neighbourhood and want leave of the court to compound the offence under Section 324 of the India Penal Code, 1860. There is no doubt whatever that the appellants were guilty of an offence punishable under Section 324 of the Indian Penal Code and therefore the offence can be allowed to be compounded subject to terms.

3. Accordingly, the appeal is allowed. The parties are allowed to compound the offence and the judgment and sentence passed by the High Court and the courts below convicting the appellants under Section 324 of the Indian Penal Code are set aside, on condition that they apply Rs. 1000 each to PW 2 Shabirah and PW 7 Mst. Afsarbi as compensation for the injuries sustained by them within two months from today. Failure to comply with this condition will entail restoration of the judgment and sentence passed by the courts below and the appellants will be taken into custody forthwith.

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