

IN THE HIGHCOURT OF MADHYA PRADESH

AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

CRIMINAL REVISION No.37 OF 2024

BETWEEN:-

1.MOHAN S/O VASUDEV SAKHWAR AGED 28 YEARS

2. RAMGOPAL S/O SHRI LEKHPAL SAKHWAR AGED 65 YEARS

3.JITENDRA S/O RAJENDRA SAKHWAR AGED 26 YEARS

4. RAJENDRA S/O RAJARAM SAKHWAR AGED 58 YEARS

ALL R/O VILLAGE AGANPURA (SUKAND) POLICE STATION GORMI, DISTRICT BHIND (MADHYA PRADESH)

.....PETITIONERS

(BY SHRI VIJAY KUMAR SHARMA- ADVOCATE FOR THE PETITIONERS)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION GORMI, DISTRICT BHIND (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI A.K.SHUKLA- PUBLIC PROSEUCTOR FOR RESPONDENT/STATE)

(SHRI VISHAL CHATURVEDI- ADVOCATE FOR THE COMPLAINANT)

Reserved on : 14.05.2024

Pronounced on : 20.05.2024

This revision having been heard and reserved for order, coming

on for pronouncement this day, Justice Sanjeev S Kalgaonkar pronounced the following:

ORDER

This Criminal Revision under Section 397 read with Section 401 of Cr.P.C is filed assailing the order dated 20.12.2023 passed by learned Additional Sessions Judge, Mehgaon (MP), in Criminal Appeal No.72 of 2020 whereby, the order dated 30.01.2020 passed by Judicial Magistrate First Class, Mehgaon, District Bhind in RCT No.300/2013 has been affirmed. The revision petitioners have been convicted and sentenced as under:-

Accused	Conviction U/s	Sentence	Fine	Default (in lieu of fine)
Rajendra	325 of IPC (for causing injury to injured Devendra)	2 years RI	Rs.300/-	6 months
	324/34 of IPC (for causing injury (for causing injury to Shashikant)	1 year RI	Rs. 200/-	Three months
	323/34 of IPC (for causing injury to injured Sonu)	six months RI	Rs. 100/-	one month
	323/34 of IPC (for causing injury to injured Ramprakash)	six months RI	Rs. 100/-	one month
Ramgopal	325/34 of IPC (for causing injury to injured Devendra)	2 years RI	Rs.300/-	6 months
	324 of IPC (for causing injury (for causing injury	1 year RI	Rs. 200/-	Three months

	to Shashikant)			
	323/34 of IPC (for causing injury to injured Sonu)	six months RI	Rs. 100/-	one month
	323/34 of IPC (for causing injury to injured Ramprakash)	six months RI	Rs. 100/-	one month
Jitendra	325/34 of IPC (for causing injury to injured Devendra)	2 years RI	Rs.300/-	6 months
	324/34 of IPC (for causing injury to Shashikant)	1 year RI	Rs. 200/-	Three months
	323 of IPC (for causing injury to injured Sonu)	six months RI	Rs. 100/-	one month
	323/34 of IPC (for causing injury to injured Ramprakash)	six months RI	Rs. 100/-	one month
Mohan	325/34 of IPC (for causing injury to injured Devendra)	2 years RI	Rs.300/-	6 months
	324/34 of IPC (for causing injury to Shashikant)	1 year RI	Rs. 200/-	Three months
	323/34 of IPC (for causing injury to injured Sonu)	six months RI	Rs. 100/-	one month
	323 of IPC (for causing injury to injured Ramprakash)	six months RI	Rs. 100/-	one month

(2) As per the case of prosecution, Ramprakash reported to Police Station Gormi, District Bhind that on 21.05.2013 around 11:00 in the night, matrimonial procession for marriage of his daughter was coming on the

public way in Village Agnupura. His neighbour Mohan Singh, Jitendra, Ramgopal and Rajendra (revision petitioners) came intoxicated and started abusing the band master. He objected to abuses. Mohan assaulted with wooden stick (*lathi*) on his head. Shasikant and Devendra intervened. Rajendra, Jitendra and Ramgopal assaulted Shasikant, Ramprakash and Sonu with wooden stick and spade. The accused were threatening to kill them. On such allegations, Police Station Gormi, District Bhind registered FIR at Crime No.120/2013 for offence punishable under Sections 323, 324, 294, 506-B and 34 of IPC. The injured were forwarded for medico-legal examination. On X-ray examination, fracture on ulna bone of Devendra was found. Therefore, prosecution for offence punishable under Section 325 of IPC was added. On completion of investigation, final report was submitted. After trial, the accused were convicted and sentenced as aforementioned.

(3) Convicts- Mohan, Ramgopal, Jitendra and Rajendra preferred an appeal before learned Sessions Judge, Mehgaon, District Bhind assailing the judgment of conviction and order of sentence dated 30.01.2020 passed in RCT No.300/2013. Learned Additional Sessions Judge, Mehgaon rejected the appeal and affirm the judgment of conviction and order of sentence passed by the learned trial Court.

(4) Being aggrieved by the judgments passed by learned trial Court and learned First Appellate Court, present criminal revision has been filed challenging the concurrent judgment of conviction and order of sentence.

(5) During pendency of this criminal revision, I.A. Nos.1700/2024, 1701 of 2024, 8647/2024 and 8648/2024 under Sections 320 (2) and 320(1) of Cr.P.C respectively have been filed jointly on behalf of revision petitioners as well as complainant Ramprakash, Shashikant, Sonu and Prembai on behalf of her son- Devendra (he has died in 2014 during trial) mentioning therein that both the parties have settled their dispute amicably. Now, there remains no dispute between them. Therefore, they have decided not to proceed further in the case against each other. Premabai submitted application to compound the offence on behalf of her deceased son- Devendra. Both the parties pray that the impugned judgments of the Courts below be set aside and the revision petitioners be acquitted in view of the compromise arrived at between the parties.

(6) In the cases of *Jagdish Chanana & others Vs. State of Haryana & another* (AIR 2008 SC 1968), *Madan Mohan Abbot Vs. State of Punjab* (AIR 2008 SC 1969), *Shiji Vs. Radhika & Another* (2011) 10 SCC 705, and *Narinder Singh & others Vs. State of Punjab* (2014) 6 SCC 466, *Anita Maria Dias and Anr. Vs. State of Maharashtra and Anr.* (2018) 3

SCC 290, Supreme Court has laid down that even in non-compoundable cases on the basis of compromise, criminal proceedings can be quashed so that valuable time of the court can be saved and utilized in other material cases.

(7) The dispute arose on a trifling issue. Oral altercation aggravated in physical assault. The parties are neighbours. No grievous injury was caused on vital part of the body.

(8) Both the parties have amicably settled the issue and wish to proceed with the life. They wish to accord a quietus to the dispute. In such a scenario, further jail imprisonment may disrupt the peace and harmony between the families. There is no allegation of misdemeanour against the petitioner before during or after the trial. The alleged offence has no bearing on public order or social fabric.

(9) In view of law laid down by Hon'ble Apex Court in cases of *Gian Singh Vs. State of Punjab* (2012) 10 SCC 302 and *Narinder Singh and Others Vs. State of Punjab* (2014) 6 SCC 466, *Ram Gopal and Another Vs. State of Madhya Pradesh* vide order dated 29.09.2021 passed in CRA No.1489/2012, this Court allows these I.A. Nos.1701/2024, 1700 of 2024, 8647 of 2024 and 8648 of 2024.

(10) In view of aforesaid compromise and settlement of dispute coupled

with the law laid down by Supreme Court and by coordinate Bench of this Court, this Court is of the view that no useful purpose would be served in maintaining the conviction and sentencing the revision petitioners. Therefore, I.A. Nos.1700/2024, 1701 of 2024, 8647/2024 and 8648/2024 filed jointly by both the parties under Sections 320(2) and 320(1) of Cr.P.C, are allowed and judgment dated 20.12.2023 passed by learned Additional Sessions Judge, Mehgaon (MP), in Cr. Appeal No.72 of 2020 and the judgment dated 30.01.2020 passed by Judicial Magistrate First Class, Mehgaon, District Bhind in RCT No.300/2013 are hereby set aside. The revision petitioners are acquitted of the charges for offence as mentioned in Para 1 of this order and their respective sentences are set-aside. Their personal bond and surety bonds stand discharged. They shall be set at liberty forthwith. (*Ramgopal and Anr. Vs. State of M.P.* Order dated 29.09.2021 in **Cr.A.No.1489 of 2012** relied upon).

The Criminal Revision is accordingly **disposed off**.

Let a copy of this order passed today be sent to both the Courts below for information and compliance.

(SANJEEV S KALGAONKAR)
JUDGE