
(1999) 02 AP CK 0055

In the Andhra Pradesh High Court

Case No : Criminal MP No. 785 of 1999

Goriparthi Ranga Rao

APPELLANT

Vs

State of A.P. and others

RESPONDENT

Date of Decision : 17-02-1999

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 323, 325
Penal Code, 1860 (IPC) — Section 326, 341

Citation : (1999) 2 ALD 396 : (1999) 1 ALD(Cri) 525 : (1999) 1 ALT(Cri) 482 :
(1999) 1 APLJ 350

Hon'ble Judges : Bilal Nazki, J

Bench : Single Bench

Advocate : Mr. T. Pradyumana Kumar Reddy, for the Appellant; Public
Prosecutor, for the Respondent

Judgement

1. Heard the learned Counsel for the Petitioner.
2. A criminal case is pending before the trial Court against the respondents 2 to 7 herein for the offences under Sections 326 and 341 IPC. The petitioner is PW I. PW1 and the accused entered into a compromise and sought permission of the Court below for compounding of the offences. Under the agreement the accused had to pay an amount of Rs.25,000/- to the petitioner-complainant. The learned Magistrate did not allow the application and dismissed it on the ground that the accused had been charged u/s 326 1PC which was non-compoundable.
3. In my view, there is nothing wrong in the order and the Magistrate had no option but to reject the application for compounding of offence which is expressly non-compoundable in terms of the Criminal Procedure Code. However, the learned Counsel for the petitioner relies on a judgment of the Supreme Court reported in Motet. Rafi v. State of Uttar Pradesh, 1998 (1) ALD 724. The judgment to which a reference has been made related to offences committed under Sections 323 and 325 IPC. The accused had been convicted, in appeal the sentence had been maintained, even the revision was dismissed by the High

Court, but, it was compounded and permission was granted by the Supreme Court. The offence u/s 323 is compoundable by the person to whom hurt was caused, and the offence u/s 325 is also compoundable by the person to whom hurt was caused but with the permission of the Court. Therefore, this judgment would not come to the rescue of the petitioner at all. Compounding of offences which are non-compoundable cannot be permitted by the Courts.

4. For these reasons, this petition is dismissed.