
(2010) 04 UK CK 0083
In the Uttarakhand High Court

Sahadat Hussain, Sabir Hussain, Mohammad Umar and Noor
Mohammad

APPELLANT

Vs

State of Uttarakhand and Ahsan Ali

RESPONDENT

Date of Decision : 06-04-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 323, 324, 325, 326, 504

Citation : (2010) 04 UK CK 0083

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prafulla C. Pant, J.—Heard learned Counsel for the parties, and the injured.

2. By means of this petition, moved u/s 482 of the Code of Criminal Procedure, 1973 (hereinafter referred as Cr.P.C.), the petitioners have sought quashing of the proceedings of Criminal Case No. 415 of 2009, State v. Sahadat Hussain and Ors. relating to offences punishable u/s 326, 323, 324, 504 of I.P.C., pending in the court of Addl. Chief Judicial Magistrate, Kashipur.

3. Learned Counsel for the parties state that the complainant and injured have entered into compromise with the accused / petitioners. It is pleaded on behalf of the parties that since no deadly weapon like firearm or knife etc. is used in commission of crime, the ingredients of the offences punishable u/s 324 or 326 of I.P.C. are not made out. It is pertinent to mention here that Section 323 of I.P.C. is compoundable u/s 320 of Cr.P.C., and offence punishable u/s 325 of I.P.C. is compoundable with permission of the court. In the present case in all there are four injuries on the person of Mohd. Usman (injured), and the same are enumerated as under:

i) Lacerated wound 3 cm X 0.5 cm bone deep, bleeding present on the back of the head over scalp 8 cm from left ear.

ii) Abrasion 2 cm X 2 cm with underlining swelling on the back of left elbow. Redish in colour.

iii) Contusion 5 cm X 2 cm, redish in colour on the front of lower part of left thigh.

iv) Contusion 5 cm X 2 cm redish in colour, on front part of left thigh 3 cm above injury No. (iii).

The Medical Officer has mentioned the last three injuries as simple in nature, and the injury No. (i) was kept under observation. The medical report further suggests that injury No. (i) has been caused with some hard blunt object. In view of principle of law laid down in *Ganga Prasad Vs . State of U.P.*, (1987) 2 SCC 232 , the injury No. (i) also appears to be covered by Section 325 of I.P.C. only, and not u/s 326 of I.P.C.

4. In the above circumstances, in view of the compromise filed by the parties before this Court, which is verified not only by the complainant but also by the injured (present in person in the Court), this Court is of the view that this petition deserves to be allowed.

5. Accordingly, the petition u/s 482 of Cr.P.C. is allowed, in view of the compounding offences, as mentioned above. The proceedings of Criminal Case No. 415 of 2009, *State v. Sahadat Hussain and Ors.*, relating to offences punishable u/s 326, 323, 324, 504 of I.P.C., pending in the court of Addl. Chief Judicial Magistrate, Kashipur, District Udham Singh Nagar, are hereby quashed. (Application No. 276 of 2010 also stands disposed of).