

A RAJA RAM KASHYAP & ORS.
V.
STATE OF U.P. & ANR.
Criminal Appeal No. 864 of 2009
APRIL 24, 2009

B [DR. ARIJIT PASAYAT AND ASOK KUMAR
GANGULY, JJ.]

*Code of Criminal Procedure, 1973 – s. 320 (2) –
Compounding of offence punishable under Penal Code –
C Permissibility of – Settlement of disputes between parties and
parties intending to compound offence u/ss. 406 and 420 IPC
– Held: Under s.320(2) offence specified could be
compounded by victim with the permission of the court before
which prosecution for such offence is pending – Parties given
D liberty to file application u/s 320 and the concerned court would
deal with the matter.*

CRIMINALAPPELLATE JURISDICTION : Criminal Appeal
No. 864 of 2009

E From the Judgement and Order dated 18.03.2008 of the
Hon'ble High Court of Judicature at Ahmedabad in Criminal
Misc. Application No. 4714 of 2008.

Dinesh Kumar Garg, for the Appellant.

F Ratnakar Dash, S. Akbar Abbas, Abdi, Anuvrat Sharma,
R.C. Kaushik, with him for the Respondent.

The Judgement of the Court was delivered by

DR. ARIJIT PASAYAT, J.

G Leave granted.

The only question raised is that since the parties have
settled their dispute and want to compound the offence i.e
Sections 406 and 420 of the Indian Penal Code, 1860 (in short

the 'Act'), the court should have permit it to be in terms of sub- A
section (2) of Section 320 of the Code of Criminal Procedure,
1973 (in short 'Code'). The offences indicated in the table are
compoundable and it is indicated as to who is the person by
whom the offence may be compounded.

Sub-section 320 of the Code so far as relevant reads as B
follows:

The offence punishable under the sections of the Indian
Penal Code (45 of 1860) specified with the permission of the C
Court before which any prosecution for such offence is pending,
be compounded by the persons mentioned.

<u>Offence</u>	<u>Section</u>	<u>Person by whom offencee may be compounded</u>	
Criminal breach of trust, where the value of the property does not exceed {Two hundred rupees)	406	The person to whom hurt is caused	D
Cheating and dishonestly inducing delivery of property or the making, alteration or destruction of a valuable security	420	The owner of the property.	E

If the parties file necessary application for compounding F
in terms of the Section 320 of the Code, the concerned court
will deal with the matter appropriately. The interim order passed
by this court shall continue for a period of three months so that
necessary steps can be taken.

The appeal is disposed of accordingly.

N.J.

Appeal disposed of.