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RAMGOPAL & ANR.

v.

STATE OF M.P. & ANR.

(Special Leave Petition (Crl.) No. 6494 of 2010)

JULY 30, 2010

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[MARKANDEY KATJU AND T.S. THAKUR, JJ.]

Code of Criminal Procedure, 1973:

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s.320 – Compounding of offences – While issuing notice in an SLP arising out of conviction u/s 326 IPC, it was noticed that though the parties had arrived at an amicable settlement, the offence was a non-compoundable one – HELD: There are several offences under IPC that are currently non-compoundable – These include offences punishable u/ss 498-A, 326 etc. of the IPC – Some of such offence can be made compoundable by introducing a suitable amendment in the statute – It would not only relieve the courts of the burden of deciding cases in which the aggrieved parties have themselves arrived at a settlement, but may also encourage the process of re-conciliation between them – The Law Commission and the Government of India requested to examine all these aspects and take such steps as may be considered feasible – Legislation – Suggestions given by Court as to making certain more offences as compoundable.

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CRIMINAL APPELLATE JURISDICTION : SLP (CRL.) No. 6494 of 2010.

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From the Judgment & Order dated 27.11.2009 of the High Court of Madhya Pradesh, Jabalpur Bench, Gwalior in Cr.R. No. 1010 of 2006.

Mridula Ray Bharadwaj for the Petitioners.

The following Order of the Court was delivered

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ORDER

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Delay condoned.

Issue notice.

The petitioners herein were convicted, inter alia, under Section 326 IPC. We understand that the parties have arrived at an amicable settlement. However, in view of the fact that the offence mentioned in Section 326 is a non-compoundable offence, we cannot straightway acquit the petitioners the settlement between the parties, notwithstanding.

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There are several offences under the IPC that are currently non-compoundable. These include offences punishable under Section 498-A and Section 326 of the IPC. Some of such offence can be made compoundable by introducing a suitable amendment in the statute. We are of the opinion that the Law Commission of India could examine whether a suitable proposal can be sent to the Union Government in this regard. Any such step would not only relieve the courts of the burden of deciding cases in which the aggrieved parties have themselves arrived at a settlement, but may also encourage the process of reconciliation between them. We, accordingly, request the Law Commission and the Government of India to examine all these aspects and take such steps as may be considered feasible.

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The Secretary General of this Court shall forthwith send a copy of this order to the Law Commission of India as well as to the Law Secretary to the Government of India. The Law Secretary is requested to place a copy of this order before the Hon'ble Minister of Law & Justice, Union of India.

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R.P.

Special Leave Petition adjourned.

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