

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Criminal Revision No. 139 of 2020**

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1. Abhishek Singh		
2. Ajay Kumar Singh @ Ajay Singh		
3. Ashok Kumar Singh @ Ashok Singh	....	Petitioners
Versus		
1. The State of Jharkhand		
2. Sanjay Daniel	....	Opposite Parties

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**CORAM:        HON'BLE MR. JUSTICE RAJESH KUMAR**

For the Petitioners	: Mr. A.K.Choudhary, Adv.
For the State	: Mr. Rakesh Kumar No.2, A.P.P.
For the O.P. No.2	: Mr. A.K.Sahani, Adv.

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The matter was taken up through Video Conferencing. Learned counsels for the parties had no objection with it and submitted that the audio and video qualities are good.

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06/09.09.2021        Learned counsel for the petitioners has submitted that the defect of court fee has already been removed.

Other surviving defects are ignored for the time being.

The instant application has been filed against the order dated 17.01.2020 passed by the learned Addl. Sessions Judge-VI, Jamshedpur in S.T. No.374 of 2019 arising out of Complaint Case No.29 of 2019, whereby and whereunder the petition filed by the petitioners under Section 227 of the Cr.P.C. has been rejected.

A Criminal case has been initiated on the basis of complaint case being Complaint Petition vide C/1 Case No.29 of 2019 dated 29.04.2019. The nature of allegation is that the victim and the accused were playing badminton and during course of game, scuffle has been taken place between the parties, which has resulted in the injuries. Technically, the injury on the nose of the victim is grievous but not life threatening.

At this stage, learned counsel for the parties has submitted that parties have settled their dispute outside the Court and they are close friend and living peacefully and they do not want to proceed this criminal case. Although, the offence is not compoundable but considering the nature of dispute and relationship of the parties, the case may be quashed.

Having heard learned counsel for the parties and on perusal of record, it appears that the O.P. No.2 is Clerk of Mr. Ashok Kumar Singh (Advocate) and Amit Masih is the driver of Mr. Ashok Kumar Singh. In course of playing badminton, scuffle has been taken place between the parties and the victim, namely, Amit Masih has been hit on his nose, resulting in injury. On such incident, the present complaint case has been filed and on the same complaint, cognizance has been taken on 29.05.2019. After taking cognizance, a petition under Section 227 of the Cr.P.C. has been filed for discharge, which has been rejected and hence the present criminal revision.

From perusal of materials available on record, it appears that the victim has been hit by racket of badminton and there is no repeated blow. Although three persons have been made accused but nature of injury and the manner of scuffle as disclosed in the complaint petition did not disclose the ingredients of Section 307 of the Indian Penal Code. The suddenness of the scuffle and no repetition of blow suggest that ingredient of offence under Section 307 the Indian Penal Code is missing.

So far as Section 325 of the Indian Penal Code is concerned, it cannot be made out as the incident has taken place in course of playing badminton and heat generated in course of the game, and as such, at best, offence can be under Section 355 of the IPC, which is compoundable in nature. Section 325 of the Indian Penal Code has been declared compoundable by the Cr.P.C. with permission of the Court and Section 321 and Section 323 have been declared compoundable by the Cr.P.C. itself.

In view of the discussion made above, it is evident that the allegation disclosed the offence under Section 323, 341 and 335 of the IPC which are compoundable in nature. As both the parties are ready to compound the offence, the offence is, hereby compounded and the criminal proceeding initiated by Complaint Petition vide C/1 Case No.29 of 2019 is, hereby, set aside, subject to the following conditions as agreed between the parties.

i. The petitioners will pay Rs.30,000/- i.e. Rs.10,000/- each to the victim as victim compensation, which shall be released in favour of the injured victim, namely, Amit Masih within eight weeks from today.

ii. The petitioners will sign a bond of Rs.50,000/- each for maintaining peace. The effect of bond will be for a period of one year and thereafter they will be discharged from the liability of the bail bond.

With above observation and directions, the present criminal revision stands disposed of.

**(Rajesh Kumar, J.)**

Shahid/