coupled with the fact that the hearing of the appeal is not likely to take place in the immediate near future.

Accordingly, applicant is ordered to be released on bail to the satisfaction of the Trial Court and on such terms and conditions as may be imposed by the Trial Court.

SLP (Crl.) No. 8835 of 2018

Leave granted.

List the matter on 31.01.2019 for consideration of prayer for bail.

In the meantime, learned counsel for the State to take instructions on the factual averment made in the application about health condition of the applicant.

Result:- Applications disposed of.

ABC 2019 (I) 252 SC
ACQUITTAL & BAIL CASES

SUPREME COURT OF INDIA

(N.V. Ramana & Mohan M. Shantanagoudar, JJ.)

Criminal Appeal No. 151 of 2019
(@ Special Leave Petition (Criminal) No. 9054 of 2018)
(From Karnataka High Court)
Decided On 25 January, 2019

H. RAMANJINI & ORS. ***- Appellant(s).***

Versus

STATE OF KARNATAKA & ANR. ***- Respondent(s).***

Law Covered:- ***(A) Indian Penal Code, 1860 — Sections 324 & 326 r/w 34 — Compromise between parties — Neigbours & already living happily — Counsel for the State has no objection to the compromise — Nature of Injuries — not covered u/s 326 — Compromise accepted — Acquittal. (Para 6 & 7)***

(B) Indian Penal Code, 1860 — Sections 324, 326 & 320 — Nature of Injuries —Medical evidence — regarding grievous injuries — not on the vital portions of the body — lacerated wounds over the legs — No fracture or permanent privation of the sight or of the hearing etc — Held, though the doctor deposed that both these injuries are grievous in nature, in our opinion, both the injuries will not fall within any of the eight categories of Sec. 320 of the IPC —

cannot be termed as grievous injuries — The offence may not fall u/s 326 but would fall u/s 324. (Para 7)

(C) Code of Criminal Procedure, 1973 — Section 320 — Compounding of non-compoundable — Power of High Court u/s 482, Code of Criminal Procedure, 1973 — Power of Supreme Court u/Art. Constitution of India — The Courts can quash criminal proceedings where the offences involved are not of a grave nature— if it is shown that the same would lead to or help in maintaining peace between the parties involved. (Para 5)

(D) Code of Criminal Procedure, 1973 — Section 320 — Compounding of non-compoundable — Power of High Court u/s 482, Code of Criminal Procedure, 1973 — Power of Supreme Court u/Art. 142, Constitution of India — Held, offences which involve moral turpitude and grave offences like rape, murder, etc. will not be effaced by quashing the proceedings related thereto merely because of a compromise, in light of the consequent harmful effect on society. (Para 5)

Facts:- *The Judgment dated passed by the High Court confirming the judgment of the Additional District and Sessions Judge, was called into question in the present appeal. Both the Courts convicted the accused for the offences punishable u/ss 324 and 326 r/w 34 of the IPC. The counsel appearing on both sides prayed before the honourable Apex Court that the parties have compromised in order to live peacefully and harmoniously in society. Their houses were in the same neighbourhood and they were already living happily. Learned counsel appearing for the State of Karnataka had no objection to the said compromise. After considering the nature of injuries and other facts the honourable Court allowed the appeal.*

Law of relief:- ***Lacerated wounds over the legs cannot be termed as grievous injuries.***

Held:- There cannot be any dispute that offences which are non-compoundable cannot be compounded by the Court. The Courts draw the power of compounding offences from Section 320 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.'). However, the High Court can quash criminal proceedings in exercise of its power under Section 482 of the Cr.P.C. At the same time, the Supreme Court may, in order to do complete justice in a matter, in the exercise of its power under Article 142 of the Constitution of India, quash criminal proceedings where the offences involved are not of a grave nature, if it is shown that the same would lead to or help in maintaining peace between the parties involved. We may proceed to

observe that offences which involve moral turpitude and grave offences like rape, murder, etc. will not be effaced by quashing the proceedings related thereto merely because of a compromise, in light of the consequent harmful effect on society. (Para 5)

We have gone through the evidence, more particularly, the evidence of the injured eye-witness (PW9) and the Doctor (PW2) in detail to find out as to whether the parties may be permitted to compound in the matter on hand. Out of four injuries sustained by the injured, two injuries are stated to be grievous and the same are not on the vital portions of the body. Both these so called grievous injuries are lacerated wounds over the legs. There is nothing on record to show that the injured has sustained fracture, permanent privation of the sight or of the hearing etc. Though the doctor, PW2, has deposed that both these injuries are grievous in nature, in our opinion, both the injuries will not fall within any of the eight categories contained in Section 320 of the IPC. Thus, in law they cannot be termed as grievous injuries. Therefore, the offence may not fall under Section 326 of the IPC, but would fall under Section 324 of the IPC and we conclude so. (Para 7)

Counsel:- ***For Appellant(s):*** *Mr. H. Chandra Sekhar , Adv.*
For Respondent(s): *Mr. Joseph Aristotle S. , Mrs. Priya Aristotle, Mr. Shiva P. Mr. C.M. Angadi, Mr. Shereef K.A. Mr. R.P. Goyal , Advs.*

ORDER

N.V. RAMANA, J.: - Leave granted.

2. The Judgment dated 08.02.2018 passed by the High Court of Karnataka, Dharwad Bench in Criminal Appeal No. 2520 of 2010 confirming the judgment of the Additional District and Sessions Judge, Bellary in S.C. No. 48 of 2005, is called into question in this appeal.

3. The appellants are the original Accused Nos. 1 to 4. Both the Courts convicted the accused for the offences punishable under Sections 324 and 326 read with Section 34 of the Indian Penal Code (for short, 'the IPC') and sentenced them to undergo imprisonment for three months and three years respectively, apart from payment of fine.

4. The complainant-victim as well as the accused have compromised *inter-se* and have even filed the Compromise Memo,

and the accused have subsequently filed an application praying for permission to compound the offence under Section 326 of the IPC. The joint affidavit of the complainant and the accused has also been produced which shows that both sides have compromised in view of mediation and upon the advice of the elders of their respective families. The parties have already put an end to the acrimony between them and are living happily and harmoniously.

5. There cannot be any dispute that offences which are non-compoundable cannot be compounded by the Court. The Courts draw the power of compounding offences from Section 320 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.'). However, the High Court can quash criminal proceedings in exercise of its power under Section 482 of the Cr.P.C. At the same time, the Supreme Court may, in order to do complete justice in a matter, in the exercise of its power under Article 142 of the Constitution of India, quash criminal proceedings where the offences involved are not of a grave nature, if it is shown that the same would lead to or help in maintaining peace between the parties involved. We may proceed to observe that offences which involve moral turpitude and grave offences like rape, murder, etc. will not be effaced by quashing the proceedings related thereto merely because of a compromise, in light of the consequent harmful effect on society.

6. Be that as it may, learned counsel appearing on both sides prayed before this Court that the impugned judgment be set aside, inasmuch as the parties have compromised in order to live peacefully and harmoniously in society. Their houses are in the same neighbourhood and they are already living happily. Learned counsel appearing for the State of Karnataka has no objection to the said compromise.

7. We have gone through the evidence, more particularly, the evidence of the injured eye-witness (PW9) and the Doctor (PW2) in detail to find out as to whether the parties may be permitted to compound in the matter on hand. Out of four injuries sustained by the injured, two injuries are stated to be grievous and the same are not on the vital portions of the body. Both these so called grievous injuries are lacerated wounds over the legs. There is nothing on record to show that the injured has sustained fracture, permanent privation of the sight or of the hearing etc. Though the doctor, PW2, has deposed that both these injuries are grievous in nature, in our opinion, both the injuries will not fall within any of the eight

categories contained in Section 320 of the IPC. Thus, in law they cannot be termed as grievous injuries. Therefore, the offence may not fall under Section 326 of the IPC, but would fall under Section 324 of the IPC and we conclude so.

8. We do not wish to unsettle the happy and peaceful lives of the parties. We therefore accept the proposed compromise and acquit the accused.

9. Accordingly, the appeal is disposed of with the observation that the accused stand acquitted and the judgments of the Trial Court and the High Court stand set aside.

***Result*:-** Appeal disposed of.

ABC 2019 (I) 256 SC
ACQUITTAL & BAIL CASES

SUPREME COURT OF INDIA

(Dr. Dhananjaya Y. Chandrachud & M.R. Shah, JJ.)

Criminal Appeal No(s). 95-96 of 2019
(Arising out of Special Leave Petition(Crl.) No(s). 3737-3738 of 2016)
(From Karnataka High Court)
Decided On 18 January, 2019

ANSS RAJASHEKAR ***- Appellant(s).***

Versus

AUGUSTUS JEBA ANANTH ***- Respondent(s).***

Law Covered*:-** ***(A) Negotiable Instruments Act, 1881 — Sections 138 & 139 — Dishonour of Cheque —Civil litigation between the parties — Defence of accused — Misused of cheque — no amount was actually paid by the complainant to him— Evidence of PW — the loan was paid into the hands of a representative of the appellant at his request— failed to indicate even the name of the representative — No receipt or document regarding the payment — Complainant failed to establish the source of funds — case of complainant doubtful — appellant duly rebutted the presumption u/s 139 — Defence of absence of a legally enforceable debt is probable — Acquittal passed by the first appellate court restored.(Para 10)

(B) Negotiable Instruments Act, 1881 — Section 138 — Non-disclosure of the facts pertaining to the earlier transactions — & the steps, if any, taken for recovery — makes the case of complainant doubtful. (Para 11)