



2026:DHC:2977-DB



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 15.01.2026
Pronounced on: 10.04.2026

+ CRL.A. 255/2021

VINOD KUMAR AHUJAAppellant

Through: Mr. Anil Kumar Pruthi, Adv.
versus

STATERespondent

Through: Mr. Aman Usman, APP with
Mr. Manvendra Yadav,
Advocate and SI Sanjeeta, PS
Mukherjee Nagar

WITH

+ CRL.A. 442/2023

STATEAppellant

Through: Mr. Aman Usman, APP with
Mr. Manvendra Yadav,
Advocate and SI Sanjeeta, PS
Mukherjee Nagar

versus

VINOD KUMAR AHUJARespondent

Through: Mr Anil Kumar Pruthi, Adv.

AND

+ CRL.M.C. 1952/2025 & CRL.M.A. 8797/2025

VINOD KUMAR AHUJAPetitioner

Through: Mr Anil Kumar Pruthi, Adv.
versus

STATE & ANR.Respondents

Through: Mr. Aman Usman, APP with
Mr. Manvendra Yadav,
Advocate and SI Sanjeeta, PS



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Mukherjee Nagar
Mr. Sarthak Tomar and Ms.
Maahi Tomar, Advs. for R-2.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

J U D G M E N T

RAVINDER DUDEJA, J.

1. The Criminal Appeal No. 255/2021 has been preferred by the appellant/convict, Vinod Kumar Ahuja, against the Judgment dated 30th April, 2021, *vide* which, he was convicted under Section 325 of the Indian Penal Code [“**IPC**”] and against the Order on Sentence dated 04th May, 2021, *vide* which, he was sentenced to Simple Imprisonment for a period of 3 years along with a fine of Rs. 30,000/-. In default of payment of fine, the appellant/convict was directed to further undergo simple imprisonment for a period of four months.

2. The State has filed the cross appeal, being Crl. A. No. 442/2023, titled “*State v. Vinod Kumar Ahuja*”, assailing the said Judgment and Order, and praying for conviction of the appellant/convict under Section 307 IPC and for enhancement of sentence awarded to him.

3. During the pendency of the aforesaid cross appeals, the appellant/convict, Vinod Kumar Ahuja filed Crl. M.C. 1952/2025 under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 [“**BNSS**”] [old Section 482 of the Code of Criminal Procedure, 1973 (“**CrPC**”)] for quashing of FIR bearing No. 258/2012, under Section



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307 IPC, at Police Station Mukherjee Nagar, and all proceedings emanating therefrom, on the ground of an amicable compromise with the injured, Jitender Kumar.

4. As the cross appeals and the petition arise from common facts and issues, and from the same FIR, they are being taken up together for disposal by way of this common judgment. For the sake of convenience, the appellant in Crl. A. 255/2021, Vinod Kumar Ahuja, shall hereinafter be referred to as, the ‘accused’.

CASE OF THE PROSECUTION:

5. As per the prosecution case, the complainant, Sh. Kishan Lal Dawar (PW-1), used to run a *kiryana* shop at 38, Nirankari Colony, Delhi, which was just three houses away from his residential house. The accused, Vinod Kumar Ahuja, used to run a cloth shop, which was adjacent to the *kiryana* shop of the PW-1. On 10th August, 2012 at about 9:30 pm, when PW-1 reached his shop, his son Jitender (PW-2) told him that in the morning he had an altercation with the accused, Vinod Kumar Ahuja, as after sprinkling some water in front of his shop, the accused had thrown away the remaining water on the side of their shop due to which the articles kept there got damaged. When PW-2, Jitender, was apprising the complainant (PW-1) about the incident, the accused came out from his shop with a long knife in his hand and stated “*Aaj Inko Sabak Sikha Deta Hoon*”, and thereafter immediately stabbed the complainant (PW-1) in his stomach. When PW-2, Jitender, tried to rescue his father, the accused stabbed him on his neck and abdomen. At the time of the incident, PW-4 Rajeev



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Kumar and PW-5 Manish Batra were also present at the spot and thus, were the eye-witnesses to the incident

6. On receiving the information, Gagan (PW-3), the elder son of the complainant, reached the spot. However, in the meanwhile, the accused ran away from the spot.

7. PW-3 Gagan took the complainant and Jitender to a Trauma Centre, where they were medically examined. PW-14A, SI Brij Bhushan and PW-11, Constable Rajender came at the Trauma Centre, collected the MLCs of the injured and recorded the statement (Ex. PW-1/A) of PW-1 Kishan Lal Dawar, prepared the *Rukka* (Ex. PW-14/A) and sent the same to the police station through PW-11, and on the basis of the said *Rukka*, FIR No. 258/2012 (Ex. PW-6/B) was registered.

8. The Crime Team inspected the spot of occurrence and took the photographs of the place of occurrence. The accused was arrested *vide* Arrest Memo (Ex. PW-11/A). His personal search was conducted *vide* Memo (Ex. PW-11/B) and his disclosure statement (Ex. PW-11/C) was recorded.

9. During investigation, PW-14A prepared the site plan of occurrence (Ex. PW-14/B). However, the weapon of offence, that is, a knife, could not be recovered. The opinion of the doctor was obtained regarding the nature of injuries of the victim. After completing the investigation, chargesheet was filed against the accused under Section 307 IPC.



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10. On 18th April 2013, a Charge under Section 307 IPC was framed against the accused, to which, he pleaded not guilty and claimed trial.

11. In order to prove its case, the prosecution examined 19 witnesses, as per the following details:

S. No.	Name of prosecution witness	Deposition made by the witnesses
1.	PW-1 Sh. Kishan Lal Dawar and PW-2 Sh. Jitender Kumar	They are the injured witnesses. They deposed about the incident in question. PW-1 proved his statement as Ex. PW-1/A.
2.	PW-3 Sh. Gagan	He is the son of PW-1 and brother of PW-2. He had rushed the injured persons to the hospital.
3.	PW-4 Rajeev Kumar	He is the eye-witness of the occurrence. He corroborated the testimonies of PW-1 and PW-2 regarding the incident.
4.	PW-5 Sh. Manish Batra	As per prosecution case, he was also an eye-witness of the occurrence. However, he did not completely support the prosecution case and was declared hostile and cross-examined by the learned APP on behalf of the State.
5.	PW-6 HC Arvind Kumar	He was working as Duty Officer at the relevant time. He proved DD entry Ex. PW-6/A and FIR Ex. PW-6/B.
6.	PW-7 SI Ramesh Chand	He was in charge of the Mobile Crime Team at the relevant time. He had visited the spot and prepared the Inspection Report Ex. PW-7/A.



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7.	PW-7A Constable Subhash (inadvertently, numbered as PW-7)	He was posted as Constable in the Crime Team at the relevant time. He had taken the photographs of the place of occurrence. He proved the negatives of the photographs as Ex. PW-7/A1 to Ex. PW-7/A7 and the photographs as Ex. PW-7/B (colly.)
8.	PW-8 W. Constable Suman	She was posted in PCR at the relevant period. She proved the PCR Form Ex. PW-8/A.
9.	PW-9 Dr. Abhishek Kumar	He had examined PW-1 Kishan Lal Dawar at Fortis Hospital. He proved his report as Ex. PW-9/A to Ex. PW-9/J.
10.	PW-10 HC Anand Kumar	He was posted as Beat Constable in the area where the incident in question took place. On hearing the noise, he reached at the spot of occurrence. He is a witness of the investigation.
11.	PW-11 Constable Rajender	He had assisted the IO in the investigation of the case. He is a witness to the arrest documents and the disclosure statement of the accused.
12.	PW-12 Dr. Shalabh Agarwal	He had examined both the injured at Fortis Hospital. He proved the Discharge Summaries of both the injured as Ex. PW-12/A and Ex. PW-12/B.
13.	PW-13 Dr. Dheeraj	He proved the MLCs of injured Jitender and Kishan Kumar Dawar as Ex. PW-13/A and Ex. PW-13/B respectively.
14.	PW-14 Dr. J.K. Basu	He came to depose on behalf of Dr. Satender Pal. Upon seeing the



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		MLCs Ex. PW-13/A and Ex. PW-13/B, he deposed that the nature of injuries has been opined as 'dangerous to life' by Dr. Satender Pal.
15.	PW-14A (inadvertently wrongly numbered as PW-14) SI Brij Bhushan	He was the first IO of this case. He had prepared the <i>Rukka</i> Ex. PW-14/A, rough site plan Ex. PW-14/B and also proved the MLC of accused Vinod Kumar Ahuja as Ex. PW-14/DA.
16.	PW-15 Dr. Surbhi	She was working with Fortis Hospital at the relevant time. She had examined PW-1 Kishan Lal Dawar and proved the reports Ex. PW-15/A to Ex. PW-15/C.
17.	PW-16 Dr. Atul N.C. Peters	He was working at Fortis Hospital at the relevant time. He had examined both the injured.
18.	PW-17 ASI Kailash Chand	He was posted as MHC(M) at the relevant time. He deposed about the deposit of two <i>pullandas</i> in the <i>Malkhana</i> on 11.08.2012.

12. Thereafter, the statement of the accused was recorded under Section 313 Cr.P.C. He denied all the incriminating evidence put to him. According to him, Jitender, son of Kishan Kumar, had thrown water and garbage in front of his shop and when he objected, Jitender called his father and brother and they all, armed with *dandas* and *sarias*, trespassed into his shop and gave him beatings. Upon hearing commotion, his mother, who was inside the house, tried to intervene. The above said persons also gave beatings to his mother and caused a fracture in her hand. He further stated that the police did not record his



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statement and also did not take any action, and therefore, he had to file a complaint against Kishan Lal Dawar, Jitender and Gagan.

13. In order to prove the aforesaid defence, the accused examined 7 witnesses.

14. Upon conclusion of the trial, *vide* Judgment dated 30th April, 2021, the accused was convicted under Section 325 of the IPC, and *vide* Order on Sentence dated 04th May, 2021, the sentence noted hereinabove was imposed on the accused. Aggrieved of the same, the cross appeals have been filed by the accused and the State.

SUBMISSIONS ON BEHALF OF THE STATE:

15. The learned APP, appearing for the State, has submitted that the learned Trial Court, despite duly appreciating the ocular testimonies of PW-1, PW-2, PW-4 & PW-5 and observing that the injuries were inflicted by the accused and were opined to be dangerous to life, erred in convicting the accused only under Section 325 of the IPC. He submitted that the consistent and corroborated evidence on record establishes that the accused assaulted PW-1 and PW-2 with a knife on vital parts of their body, namely, their abdomen and neck. Such an act, by its very nature, clearly discloses the intention and knowledge requisite for the offence under Section 307 IPC.

16. It was further argued that the non-recovery of the weapon of offence could not have been a determinative factor to dilute the offence from Section 307 IPC to Section 325 IPC. The intention to commit murder can be gathered from the nature of the weapon used, the part of the body targeted, and the manner of assault, and it is not



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essential that the injury actually caused should be sufficient in the ordinary course to cause death. In the present case, stabbing on the abdomen and neck with a sharp weapon, unequivocally establishes the intention of the accused to cause death.

17. The learned APP further submitted that the sentence awarded is grossly inadequate and disproportionate to the gravity of the offence. The learned ASJ erred in granting undue leniency on the ground of delay in trial, contrary to the settled law laid down by the Supreme Court, wherein it has been held that misplaced sympathy undermines public confidence in the justice delivery system. Thus, according to him, the impugned judgment warrants interference and the conviction under Section 325 IPC deserves to be set aside and the accused is liable to be convicted under Section 307 IPC, with an enhanced sentence.

18. Learned APP for the State submits that CrI. A. 255/2021 is liable to be dismissed as accused is not challenging the conviction on merits. With regard to quashing of the FIR and the proceedings emanating therefrom, including the Judgment of Conviction, it has been submitted that the same is not possible at this stage, inasmuch as, the accused Vinod Kumar Ahuja has already been convicted and the appeal filed by the State for conviction under Section 307 IPC and enhancement of sentence is also pending.

SUBMISSIONS ON BEHALF OF THE ACCUSED/CONVICT:

19. The learned counsel, who appears for the accused, submitted that the medical evidence does not prove the depth of the injuries and even the weapon of the offence has not been recovered. He submitted



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that the incident was not premeditated and occurred in the heat of the moment. The convict had no intention to inflict injuries sufficient to cause death and thus the ingredients of Section 307 IPC are not proved.

20. The learned counsel for the accused further submitted that the accused does not challenge the Judgment of Conviction dated 30th April, 2021, whereby, he has been convicted under Section 325 IPC, as he has entered into a compromise with the victim, Jitender Kumar, *vide* Compromise Deed dated 15th February, 2024 (Annexure-B in Crl. M.C. 1952/2025). It has been submitted that both the parties are close relatives of each other and have arrived at the said settlement, thereby, agreeing to settle all their disputes amicably without any pressure, threat, coercion, or undue influence of any kind whatsoever. PW-2, Jitender Kumar, has further agreed to get the FIR No. 258/2012, under Section 307 IPC, PS Mukherjee Nagar and all the proceedings emanating from the said FIR, including conviction, sentence, charges etc. against the accused quashed.

21. It has also been submitted that as per the Compromise Deed, the accused has also agreed to withdraw the Criminal Complaint bearing No. 3260/2016, titled “***Vinod Kumar Ahuja v. Kishan Lal Dawar & Ors.***”, under Sections 452/325/34/506/120-B of the IPC, which is pending before the Court of Chief Judicial Magistrate, North. It is also submitted that the accused has already made payment of Rs. 50,000/- to PW-2 at the time of signing of the compromise deed, and the balance amount of Rs. 50,000/- is to be paid at the time of quashing of the FIR.



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ANALYSIS AND FINDINGS:

22. As the outcome of CrI. A. 255/2021 and CrI. M.C. 1952/2025 are dependent on the outcome of CrI.A. 442/2023 filed by the State, we shall consider CrI.A. 442/2023 first.

23. Having carefully examined the impugned Judgment dated 30th April, 2021 and the Order on Sentence dated 04th May, 2021 as also the records of the case, this Court finds no perversity, illegality, or non-application of judicial mind, warranting interference in appellate jurisdiction of this Court with the conviction of the accused under Section 325 IPC and not under Section 307 IPC. The learned Trial Court has undertaken a detailed appreciation of the ocular and medical evidence on record and has assigned cogent reasons for arriving at the conclusion that the prosecution succeeded in proving the offence under Section 325 IPC, while the ingredients of Section 307 IPC were not established beyond reasonable doubt.

24. The prosecution case is based upon the testimony of PW-1 Kishan Lal Dawar, PW-2 Jitender Kumar (both injured persons) and eye-witnesses namely PW-4 Rajeev Kumar and PW-5 Manish Batra. Admittedly, the injured and accused were having shops adjacent to each other. Upon appreciation of the testimonies of the aforesaid witnesses as also the medical evidence and the testimonies of the defence witnesses, the learned Trial Court found that there was a petty quarrel between the parties over sprinkling of water. Even though the learned Trial Court found that there appears to be some truth in the defence version of the accused, but in view of the testimonies of PW-1, PW-2 & PW-4, which were consistent and reliable, it formed the



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opinion that the prosecution was able to prove its case beyond reasonable doubt. Accordingly, it was concluded that the accused had caused stab injuries on the abdomen of PW-1 and PW-2 and also on the back of head of PW-2, and such injuries were opined to be 'dangerous' to their life. However, since the weapon of the offence could not be recovered, and in the absence of any medical opinion regarding the depth of injuries, the learned Trial Court held that it could not be established that there was an attempt to cause murder of the victims so as to convict the accused under Section 307 IPC. The relevant paragraphs of the Trial Court judgment are reproduced hereunder:

“43. In view of the aforesaid discussion, this Court is of the considered opinion that though there seems to be some truth in the defence version of the accused, but keeping in view the testimonies of PW1, PW2 & PW4, which are consistent and reliable, the prosecution has been able to prove its case beyond reasonable doubts. It has been proved on record that accused was present at the spot and he had caused stab injuries on the abdomen of PW1 and PW and also on the back of head of PW2, which were opined to be dangerous to their life.

44. As per case of prosecution, the accused has caused injuries to both PW1 and PW with knife. However, admittedly, there is no recovery of weapon of offence i.e. knife in the present case. PW14 SI Brij Bhushan is the investigating officer of this case. As per his testimony, accused was arrested in the present case and thereafter he made efforts for search of weapon of offence, but in vain. Even all the eye-witnesses have stated that accused was holding a knife, but its specific description is not given as to of which metal it was, whether



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steel or iron. PW1 Kishan Lal has simply deposed that it was a long knife. In the absence of non-recovery of knife, it cannot be ascertained as to what was the length, breadth of the knife, whether its handle was of wooden or steel etc. The depth of the injuries sustained by PW1 & PW2 could have been ascertained if the recovery of weapon of offence has been effected, which is not the case herein. In absence thereof, benefit in this regard can be extended to the accused. The nature of injuries sustained by PW1 and PW2 can be said to be covered u/s 325 IPC.

45. In the present case, the accused has been charged with the offence u/s 307 IPC. As already discussed above, there are four eye-witnesses to the incident and they have established the case of the prosecution beyond reasonable doubts, but even after considering the whole evidence, the fact regarding weapon of offence could not be ascertained nor the type of weapon could be established being not recovered by the investigating agency. There are injuries on the stomach of both the injured persons and there is also injury on the neck of PW2, but there is no averment from the medical side regarding the depth of the injuries, whereby it could have been established that there was an attempt to cause murder of the victims so as to fall u/s 307 IPC. In the aforesaid circumstances, the benefit of non-recovery of weapon of offence has to be extended to the accused. In view of the aforesaid discussion, the accused is held guilty for the offence u/s 325 IPC and is convicted thereunder.”

25. Since the accused is not challenging the Impugned Judgment of Conviction and even the State is not challenging the findings of the learned Trial Court to the extent that it holds the accused guilty, even though, it challenges the conviction under a milder offence, we may not go into an in-depth appreciation of the testimonies of the injured



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and the eye-witnesses, inasmuch as, the decision with regard to conviction under Section 307 or 325 IPC would mainly depend upon the medical evidence produced before the Court.

26. The prosecution has proved the MLCs of the victims, Jitendra Kumar and Kishan Lal, through PW-13 Dr. Dheeraj, which are Ex. PW-13/A and Ex. PW-13/B respectively. According to him, on examination of PW-2, he found following injuries:

- (i) sharp incised injury wound over left lower abdomen perforated gut coming out through wound;
- (ii) lacerated wound on occipital region (lower) of approximately 8 x 2 cm size.

27. Similarly, upon examination, PW-1 Kishan Lal was found having a lacerated wound on middle upper abdomen, sized 4 x 2 cm, with omentum coming out through the wound.

28. In cross examination, PW-13 stated that he had not mentioned the depth of any injuries in the MLCs- Ex. PW-13/A and PW-13/B. He admitted that he had also not given the size of injury no. 1 in the MLC Ex. PW-13A.

29. PW-14 Dr. J.K. Basu, who was deputed by the Medical Superintendent of Sushrut Trauma Centre to depose on behalf of Dr. Satender Pal, after seeing the MLC, deposed that as per both the MLCs, the nature of injuries has been opined as 'dangerous to life.'

30. Admittedly, there is no recovery of weapon of offence, and therefore, it is not known as to what type of knife was used. The length of the knife is also not known. Though it is a settled law that non-recovery of the weapon is not always fatal to the case of the



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prosecution, however, in the present case, the alleged weapon forms the core of the prosecution story and its absence assumes significance in the light of the fact that MLCs do not specify the depth of the injuries.

31. The medical evidence does not unequivocally establish that the injury was sufficient in the ordinary course of nature to cause death or that it was inflicted with such force and intention so as to attract Section 307 IPC. In order to sustain conviction under Section 307 IPC, it must be shown that the act was done with such intention or knowledge as would have made the act amount to murder if death had ensued. In the present case, the incident of altercation took place between PW-2 and the accused at 5:00-6:00 pm on the petty issue of sprinkling of water towards the shop of PW-2, due to which his stock was damaged, while the incident of stabbing took place at 9:30 pm when PW-2 was narrating the incident to his father. It appears from the evidence that accused got enraged while PW-2 was complaining to his father about the previous incident and lost his cool and brought a knife and stabbed PW-1 and PW-2.

32. We are of the view that the act of stabbing was, therefore, not premeditated, thus ruling out any intention on part of the accused to cause death. The prosecution has therefore failed to establish that accused had the intent to cause the murder of the victims, so as to attract the ingredients of Section 307 IPC. We therefore do not find any infirmity in the impugned judgment, insofar as, it convicts the accused under Section 325 IPC.



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33. Coming to the appeal and the petition filed by the accused, as noted herein above, the accused does not press his appeal against his conviction. Instead, it has been submitted that during the pendency of the appeals, one of the injured, namely, Kishan Lal Dawar, who was the father of the second injured, namely, Jitender, has since expired on 14th January 2024 and settlement dated 15th February, 2024 has been arrived at between the accused, Vinod Kumar Ahuja, and PW-2, Jitender. It is therefore pleaded by the learned counsel for the accused that the sentence of the accused be reduced.

34. PW-2, Jitender, on being asked, reiterated the factum of the settlement. He stated that he has amicably settled the disputes with the accused, of his own free volition and without any fear, coercion, inducement or pressure of any kind. His affidavit in this regard is also already on record. He further confirms that he has received a sum of Rs. 50,000/- from the accused at the time of signing of the compromise deed on 15th February, 2024, and the balance amount of Rs. 50,000/- is to be paid at the time of quashing of the FIR. He stated that he has no objection to the quashing of the FIR bearing No. 258/2012, under Section 307 IPC, PS Mukherjee Nagar and the subsequent proceedings emanating therefrom.

35. In the present case, compromise has been reached between the parties after conviction of the accused. This Court, in exercise of power under Section 528 of BNSS, is empowered to pass orders to secure the ends of justice. While admittedly, the High Court should be slow in quashing the proceedings when the parties compromise the matter at a belated stage, however, the High Court is not precluded



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from considering the factum of settlement between the victim and the accused at the appellate stage.

36. The Supreme Court in the case of ***Ramgopal & Anr. v. State of Madhya Pradesh***, (2022) 14 SCC 531, was considering a case where the accused had been convicted for the offences under Sections 294/323/326/34 IPC. On an appeal based on settlement, the Appellate Court had compounded the offences under Section 294/323/34 IPC, acquitting the accused, however, had maintained the conviction under Section 326/34 IPC, since the offence was not compoundable, thereby reducing the sentence from three years to one year. The High Court also did not quash the conviction based on the compromise, but reduced the sentence to the period undergone. In these facts, the Supreme Court held that the High Court had erred in not exercising its powers under Section 482 CrPC, and observed as under:

“11. True it is that offences which are “non-compoundable” cannot be compounded by a criminal court in purported exercise of its powers under Section 320 CrPC. Any such attempt by the court would amount to alteration, addition and modification of Section 320 CrPC, which is the exclusive domain of legislature. There is no patent or latent ambiguity in the language of Section 320 CrPC, which may justify its wider interpretation and include such offences in the docket of “compoundable” offences which have been consciously kept out as non-compoundable. Nevertheless, the limited jurisdiction to compound an offence within the framework of Section 320 CrPC is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 CrPC. The High Court, keeping in view the peculiar facts and circumstances of a case and



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lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in Narinder Singh v. State of Punjab [Narinder Singh v. State of Punjab, (2014) 6 SCC 466, para 29 : (2014) 3 SCC (Cri) 54] and Laxmi Narayan [State of M.P. v. Laxmi Narayan, (2019) 5 SCC 688, para 15 : (2019) 2 SCC (Cri) 706].”

37. This Court has also been informed that the parties are relatives of each other and one more criminal complaint bearing no. 3260/2016, titled as “**Vinod Kumar Ahuja v. Kishan Lal Dawar & Ors.**” under Sections 452/325/506/120-B IPC filed by the accused against the victims is pending before the Court of the learned Judicial Magistrate, and the parties have now amicably settled their disputes. The incident in the present case pertains to the year 2012 and after facing trial for about 9 years, the accused was convicted, and the cross appeals filed by the accused and the State are pending since then.

38. The injured/victim, Jitender, has categorically stated that he does not want to pursue any proceedings against the accused and has entered into compromise out of his own volition.

39. The learned Trial Court in its impugned order of sentence dated 04.05.2021 had itself recorded that the accused is the sole earning member of his family, has shown good conduct, is a first time offender and the dispute was between family members on a trivial issue of throwing water. Hence, considering the overall facts and circumstances of the case and in view of the fact that the parties have amicably resolved their differences of their own free will and without



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any coercion, we are of the view that no useful purpose would be served by incarcerating the accused to prison, rather, the same would create further acrimony between the parties.

40. Appellant is stated to be the first time offender, the offence is punishable with imprisonment not exceeding seven years. Considering the circumstances in which the offence was committed, indicate that it was not premeditated but arose out of a sudden quarrel. We are therefore of the opinion that the appellant is entitled to benefit of probation. However, since the State machinery has been put to motion and the settlement is arrived at a belated stage, ends of justice would be served if the appellant is put to cost.

CONCLUSION:

41. Accordingly, Crl. A. 442/2023, filed by the State is dismissed. However, while maintaining conviction of accused Vinod Kumar Ahuja, under Section 325 IPC, having regard to the age, character and antecedents of the accused and taking note of the circumstances in which the offence was committed, instead of sentencing the convict at once to any punishment, we deem it expedient that appellant should be released on probation of good conduct for a period of one year, upon his furnishing a personal bond in the sum of Rs. 10,000/- with a surety of the like amount to the satisfaction of learned Registrar General with direction that he shall appear and receive the sentence when called for during such period, and in the meanwhile, he shall keep peace and be of good behaviour with further condition that accused shall abide by the terms and conditions of the settlement arrived at between the parties and shall deposit cost of Rs. 50,000/- (Rupees Fifty Thousand

