



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 369 of 2025

Reserved on: 10.9.2025

Date of Decision: 07.10.2025.

State of H.P.	Versus	...Petitioner
Gulshan Singh and others		...Respondents

Coram
Hon’ble Mr Justice Rakesh Kainthla, Judge.
Whether approved for reporting?¹ Yes.

For the Petitioner	:	Mr Lokender Kutlehria, Additional Advocate General.
For the Respondent	:	None.

Rakesh Kainthla, Judge

The present petition is directed against the order dated 9.9.2023, passed by the Presiding Officer, National Lok Adalat, vide which respondents (accused before the learned Trial Court) were discharged of the commission of the offences punishable under Sections 324, 341, and 504 read with Section 34 of the Indian Penal Code (IPC). (*Parties shall hereinafter be referred*

¹ Whether reporters of Local Papers may be allowed to see the judgment? Yes.

to in the same manner as they were arrayed before the learned Trial Court for convenience.)

2. Briefly stated, the facts giving rise to the present petition are that the police presented a challan before the learned Trial Court for the commission of offences punishable under Sections 324, 341 and 506 read with Section 34 of the IPC. The learned Trial Court found sufficient reasons to summon the accused. When the accused appeared, they were charged with the commission of offences punishable under Sections 341, 324 and 506 read with Section 34 of the IPC. The matter was listed for recording the statements of prosecution witnesses on 5.9.2023, when an application for seeking permission to compound the offences was filed. Learned Trial Court ordered that the application be listed before the National Lok Adalat for consideration. The matter was taken before the National Lok Adalat. The statements of complainant Balwinder Singh and accused Gulshan, Yuv Raj Singh & Jatinder Singh were recorded, in which they stated that they had entered into a compromise and wanted to settle the matter. National Lok Adalat passed an order discharging the accused of the commission of offences

punishable under Section 324, 341 and 504 read with Section 34 of IPC.

3. Being aggrieved by the order passed by the National Lok Adalat, the State has filed the present petition asserting that Section 324 of the IPC is non-compoundable. National Lok Adalat had no jurisdiction to compound the non-bailable offence. Therefore, it was prayed that the present petition be allowed and the order passed by the National Lok Adalat be set aside.

4. I have heard Mr Lokender Kutlehria, learned Additional Advocate General, for the petitioner/State. The respondents did not appear despite the service, and none could be heard on their behalf.

5. Mr Lokender Kutlehria, learned Additional Advocate General, for the petitioner-State, submitted that the offence punishable under Section 324 of the IPC is non-compoundable and could not have been compounded by the National Lok Adalat. Therefore, he prayed that the present petition be allowed and the order passed by the National Lok Adalat be set aside.

6. I have given considerable thought to his submissions made at the bar and have gone through the records carefully.

7. Section 324 of IPC was compoundable earlier, but was made non-compoundable by Section 28(a) of the Code of Criminal Procedure Amendment Act, 2005. The Code of Criminal Procedure Amendment Act, 2008 (5 of 2009) substituted the table provided under Section 320(1) and 320(2) and omitted Section 324 from the list of offences which can be compounded with or without the permission of the Court. Therefore, the offence punishable under Section 324 of the IPC is not included in the list of punishable offences and is non-compoundable.

8. It was laid down by the Hon'ble Supreme Court in *Mohd. Abdul Sufan Laskar v. State of Assam*, (2008) 9 SCC 333: (2008) 3 SCC (Cri) 770: 2008 SCC OnLine SC 1280, that the offence punishable under Section 324 of IPC became non-compoundable after the deletion of the entry in Section 320 of Cr.PC. It was observed at page 336:

“16. It is no doubt true, as stated by the learned counsel for the appellants, even at the time of the preliminary hearing of this matter, that by the Code of Criminal Procedure (Amendment) Act, 2005 (Act 25 of 2005), the above entry has been deleted. In other words, an offence of voluntarily causing hurt by dangerous weapons or means, punishable under Section 324 IPC, is no longer compoundable. The Amendment Act of 2005 came into force from 23-6-2006.”

9. This position was reiterated in *Murali v. State*, (2021) 1 SCC 726: (2021) 1 SCC (Cri) 487: 2021 SCC OnLine SC 10 wherein it was observed at page 729:

“8. There can be no doubt that Section 320 of the Criminal Procedure Code, 1973 (“CrPC”) does not encapsulate Sections 324 and 307 IPC under its list of compoundable offences. Given the unequivocal language of Section 320(9) CrPC, which explicitly prohibits any compounding except as permitted under the said provision, it would not be possible to compound the appellants’ offences...”

10. Section 19(5) of the Legal Service Authorities Act provides that the Lok Adalat shall have no jurisdiction in respect of any matter relating to an offence not compoundable under any law. Thus, the Lok Adalat could not have taken cognisance of the commission of an offence punishable under Section 324 of the IPC. It was laid down by the Karnataka High Court in *State of Karnataka v. Shekhar*, 2021 SCC OnLine Kar 14874: ILR 2021 Kar 3550: (2021) 3 AIR Kant R 659: (2021) 225 AIC 345 that a non-compoundable offence cannot be referred to Lok Adalat. It was observed at page 3556:

“10. Reading of the above provisions makes it clear that Lok Adalat has no jurisdiction in respect of the case relating to a non-compoundable offence.

XXXXXX

12. Reading of Section 20(1) (ii) of the Act and the proviso to the said section makes it clear that the Court can refer a

case to Lok Adalat only if the same is appropriate. Again, what is an appropriate case depends on the fact whether Lok Adalat can take cognisance of such offences and has jurisdiction to decide the same. Proviso to Section 19 (5) of the Act bars the jurisdiction of Lok Adalat over a case relating to a non-compoundable offence. Therefore, the logic of the law is that the Court cannot refer a case involving a non-compoundable offence to the Lok Adalat.

13. The Hon'ble Supreme Court in para 40 of the judgment in *United India Insurance Co. Ltd.*'s case referred to supra held that the offence which is non-compoundable in nature, falls outside the jurisdiction of permanent Lok Adalat.

14. In *Urmila Masomat's case*, referred to supra, the Patna High Court held that the Lok Adalat constituted under Sections 20 and 22 of the Act has no jurisdiction in respect of any matter relating to the offence which is non-compoundable under any law. Therefore, the Court cannot refer such cases to Lok Adalat.

15. In this case, admittedly, the offences under Sections 32 and 34 of the Act were non-compoundable ones. Therefore, the order of reference and determination of the same by the Lok Adalat were contrary to Sections 19 and 20 of the Act."

11. It was laid down by the Hon'ble Supreme Court of India in *Bankat v. State of Maharashtra*, (2005) 1 SCC 343: 2005 SCC (Cri) 316: 2004 SCC OnLine SC 1486 that the Courts do not have jurisdiction to compound the non-compoundable offences. It was observed: -

"11. In our view, the submission of the learned counsel for the respondent requires acceptance. For compounding of the offences punishable under the IPC, a complete scheme is provided under Section 320 of the Code. Sub-section (1) of Section 320 provides that the offences mentioned in the table

provided thereunder can be compounded by the persons mentioned in column 3 of the said table. Further, sub-section (2) provides that the offences mentioned in the table could be compounded by the victim with the permission of the court. As against this, sub-section (9) specifically provides that “no offence shall be compounded except as provided by this section”. In view of the aforesaid legislative mandate, only the offences which are covered by Table 1 or Table 2 as stated above can be compounded, and the rest of the offences punishable under the IPC cannot be compounded.

12. Further, the decision in the *Ram Pujan case* [(1973) 2 SCC 456: 1973 SCC (Cri) 870] does not advance the contention raised by the appellants. In the said case, the Court held that the major offences for which the accused had been convicted were no doubt non-compoundable, but the fact of compromise can be taken into account in determining the quantum of sentence. In *Ram Lal case* [(1999) 2 SCC 213: 1999 SCC (Cri) 123] the Court referred to the decision of this Court in *Y. Suresh Babu v. State of A.P.* [(2005) 1 SCC 347: JT (1987) 2 SC 361] and to the following observations made by the Supreme Court in *Mahesh Chand case* [1990 Supp SCC 681: 1991 SCC (Cri) 159]: (SCC p. 682, para 3)

“3. We gave our anxious consideration to the case and also the plea put forward for seeking permission to compound the offence. After examining the nature of the case and the circumstances under which the offence was committed, it may be proper that the trial court shall permit them to compound the offence.”

and held as under : (SCC p. 214, para 3)

“We are unable to follow the said decision as a binding precedent. Section 320, which deals with ‘compounding of offences’, provides two Tables therein, one containing descriptions of offences which can be compounded by the person mentioned in it, and the other containing descriptions of offences which can be compounded with the permission of the court by the persons indicated therein. Only such offences as are

included in the said two Tables can be compounded and none else.”

13. In the case of *Y. Suresh Babu [(2005) 1 SCC 347: JT (1987) 2 SC 361]*, the Court has specifically observed that the said case “shall not be treated as a precedent”. The aforesaid two decisions are based on facts, and in any set of circumstances, they can be treated as per incuriam, as pointed out by the Court, to sub-section (9) of Section 320, which was not drawn. Hence, the High Court rightly refused to grant permission to compound the offence punishable under Section 326.

14. We reiterate that the course adopted in *Y. Suresh Babu [(2005) 1 SCC 347: JT (1987) 2 SC 361]* and the *Mahesh Chand case [1990 Supp SCC 681: 1991 SCC (Cri) 159]* was not in accordance with law.

15. The above position was elaborately indicated by a three-Judge Bench of this Court in *Surendra Nath Mohanty v. State of Orissa [(1999) 5 SCC 238: 1999 SCC (Cri) 998]*.

12. Therefore, the Lok Adalat could not have compounded the offence as it was non-compoundable.

13. Consequently, the present petition is allowed, and the order dated 9.9.2023, passed by the National Lok Adalat, is ordered to be set aside. The learned Trial Court shall proceed further in the matter as per the law.

14. The observation made herein before shall remain confined to the disposal of the petition and will have no bearing, whatsoever, on the merits of the case.

15. The matter is remitted to the learned Trial Court for disposal as per law.

(Rakesh Kainthla)
Judge

7th October, 2025
(Chander)

High Court of HP