

REPORTABLE

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL No. 864 OF 2009
(Arising out of SLP(Crl.) No. 3447 of 2008)

RAJA RAM KASHYAP & ORS.

... Appellant(s)

Versus

STATE OF U.P. & ANR.

... Respondent(s)

J U D G M E N T

Dr.ARIJIT PASAYAT,J.

Leave granted.

The only question raised is that since the parties have settled their dispute and want to compound the offence i.e Sections 406 and 420 of the Indian Penal Code, 1860 (in short the 'Act'), the court should have permit it to be in terms of sub-section (2) of Section 320 of the Code of Criminal Procedure, 1973 (in short 'Code'). The offences indicated in the table are compoundable and it is indicated as to who is the person by whom the offence may be compounded.

Sub-section 320 of the Code so far as relevant reads as follows:

The offence punishable under the sections of the Indian Penal Code (45 of 1860) specified with the permission

of the Court before which any prosecution for such offence is pending, be compounded by the persons mentioned.

<u>Offence</u>	<u>Section</u>	<u>Person by whom</u> <u>offencee may be</u> <u>compounded</u>
Criminal breach of trust, where the value of the property does not exceed {Two hundred rupees)	406	The person to whom hurt is caused
Cheating and dishonestly inducing delivery of property or the making, alteration or destruction of a valuable security	420	The owner of the property.

If the parties file necessary application for compounding in terms of the Section 320 of the Code, the concerned court will deal with the matter appropriately. The interim order passed by this court shall continue for a period of three months so that necessary steps can be taken.

The appeal is disposed of accordingly.

.....J.
(Dr. ARIJIT PASAYAT)

.....J.
((ASOK KUMAR GANGULY)

New Delhi,
April 24, 2009.