BLOGS

Compoundable Offences under Criminal Procedure Code

Khushi Malviya · 27 May 2024

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Introduction

Compoundable offences refer to crimes where the involved parties have the option to reach a settlement during ongoing legal proceedings, leading to the suspension of further court actions. In these cases, the aggrieved party chooses to dismiss the allegations against the accused. The process of resolution, known as 'compounding,' requires the utmost good faith and should only involve settlements for which the plaintiff is rightfully eligible.

Importantly, the compromise of a compoundable crime may occur either with or without the consent of the court. Should the plaintiff choose to seek court approval for compounding, they can make a request in the same court where the initial petition was filed. This mechanism highlights a legal avenue for amicable resolutions within the criminal justice system.

Legal Provisions related to Compounding of Offences

Section 320 of the ***Criminal Procedure Code, 1973 (CrPC)***, serves as the legal cornerstone for this process. By exploring the provisions outlined in Section 320 of the CrPC, individuals find a sanctioned path to navigate the complexities of legal redressal, fostering the potential for amicable resolutions that transcend the conventional contours of courtroom battles.

As per ***Section 320(8) of the Criminal Procedure Code (CrPC)***, when an offence is compounded under the provisions of Section 320, it results in the acquittal of the accused involved in the compounding. This legal provision extends to not only the principal offense but also encompasses abetment, attempts to commit the offense (if constituting a separate crime), and situations where the charged individual is liable under ***Sections 34 or 149 of the Indian Penal***

Code. In such instances, the compounding process operates uniformly, offering a comprehensive resolution to a range of associated legal matters, ultimately culminating in the acquittal of the accused party.

Classification of Compoundable Offences

Section 320 of the Criminal Procedure Code (CrPC) outlines two categories of compoundable offences, allowing victims to reach a compromise. The first category does not require court consent for compounding, while the second category mandates court approval before compounding any offence.

A. Offences That Do Not Require Court Permission for Compounding:

- Section 298 IPC: Uttering any word or making any gesture with the intention of wounding religious feelings.
- Sections 323, 334 IPC: Voluntarily causing hurt.
- Sections 341, 342 IPC: Wrongfully restraining or confining any person.
- Sections 352, 355, 358 IPC: Assault or use of criminal force.
- Sections 426, 427 IPC: Mischief causing loss or damage to a private person.
- Section 447 IPC: Criminal trespass.
- Section 448 IPC: House-trespass.
- Section 497 IPC: Adultery.

B. Offences That Require Court Permission for Compounding:

- Sections 325, 335, 337, 338 IPC: Voluntarily causing grievous hurt.
- Section 312 IPC: Causing miscarriage.
- Sections 406, 408 IPC: Criminal breach of trust.
- Section 494 IPC: Marrying again during the lifetime of a husband or wife.
- Section 418 IPC: Cheating with knowledge that wrongful loss may ensue to a person whose interest the offender is bound to protect.
- Section 420 IPC: Cheating and dishonestly inducing delivery of property.

Compoundable Offences under various Legislations

1. Legal Services Authorities Act, 1987 (LSA Act, 1987): Pursuant to Section 19(5) of the LSA Act, 1987, Lok Adalat possesses the authority to facilitate compromise or settlement between conflicting parties concerning any subject related to a compoundable offense under any legislation.
2. Foreign Exchange Management Act, 1999 (FEMA Act, 1999): Violations of the Foreign Exchange Management Act, 1999 can be compounded by voluntarily admitting to the breach, pleading guilty, and seeking restitution. The Reserve Bank of India (RBI) holds the authority, as outlined in Section 13 of the FEMA Act, to compound any such violation.
3. Companies Act, 2013: In cases of offences committed under the Companies Act, 2013, or breaches of its rules, directors have the option to request the compounding of the offence instead of initiating legal proceedings, provided the offence is compoundable. Section 441 of the Companies Act, 2013 specifically addresses the compounding of offences.
4. Companies Act, 2013 – Section 441(1): Section 441(1) of the Companies Act, 2013 stipulates that offences punishable solely by a fine are compoundable, providing a legal avenue for the compounding of such offences.

Conclusion

Compoundable offences, regulated by Section 320 of the Criminal Procedure Code, provide a vital avenue for amicable settlements. The provision, distinguishing between offences requiring court consent and those that don't, showcases flexibility in legal resolutions.

Case laws like **Mahalovya Gauba v. State of Punjab** underscore the significance of Lok Adalat in this process. **Surendra Nath Mohanty v. State of Orissa** highlights the comprehensive nature of Section 320. **Biswabahan Das v. Gopen Chandra Hazarika** emphasizes the importance of allowing compounding during the investigation stage to prevent undue hardship. In essence, the legal framework surrounding compoundable offences reflects a balanced approach to justice, considering victim autonomy and legal efficiency.

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