

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY
Crl.P.M.P.No.13516 of 2015
AND
CRIMINAL PETITION No.13570 of 2015

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COMMON ORDER:

This criminal petition is filed under Section 482 of Cr.PC to quash the proceedings against the petitioners/A1 to A5 in C.C. No.333 of 2014 on the file of the court of Judicial Magistrate of First Class, Bodhan, Nizamabad District.

2. Crl.P.M.P.No.13516 of 2015 is filed to permit second respondent–*de facto* complainant to compromise the matter with the petitioners.

3. The petitioners and the second respondent are present. Sri Thakur Singh, learned counsel identified the petitioners. Sri N.Gangadhar, learned counsel identified second respondent.

4. The second respondent in the open court submitted that she voluntarily entered into compromise with the petitioners at the advice of the elders. She further submitted that nobody compelled or forced her to enter into compromise with the petitioners. The offence under Section 323 IPC is compoundable whereas the offence under Section 498A IPC is compoundable with the permission of the court.

5. In **Gian Singh v State of Punjab**^[1], the apex Court observed as under:

“..... In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put A1 to A5 to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is

appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

6. Taking into consideration the factum of settlement arrived at between the parties, this court is of the view that even if the proceedings are allowed to continue, the second respondent may not support the case of the prosecution. No purpose will be served in keeping the matter pending in view of the settlement arrived at between the parties.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am of the considered opinion that it is a fit case to quash the proceedings.

8. In the result, CrI.P.M.P.No.13516 of 2015 is ordered. Consequently, the criminal petition is allowed, quashing the proceedings against the petitioners/A1 to A5 in C.C. No.333 of 2014 on the file of the court of Judicial Magistrate of First Class, Bodhan, Nizamabad District. Miscellaneous petitions, if any pending in the criminal petition, shall stand closed.

T.SUNIL CHOWDARY, J.

December 18, 2015.

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^[1] (2012) 10 SCC 303