

THE HON'BLE SRI JUSTICE U.DURGA PRASAD

RAO

Crl.M.P.No.851 of 2015 in Crl.P.No.579 of 2015

and

Crl.P.No.579 of 2015

Common Order:

The de-facto complainant and accused attended the Court today and sought permission to enter into compromise.

The police Medikondur PS of Guntur District laid charge sheet against the accused for the offences under Sections 448, 323, 509, 506 r/w 34 IPC in C.C.No.191 of 2013 and trial is proceeding in the Court of V Additional Junior Civil Judge, Guntur. It is informed that PWs.1 to 13 were examined. While so, the learned Magistrate passed an order on 19.12.2014 stating that a perusal of the evidence of prosecution *prima facie* reveals the ingredients of offence under Section 354 IPC and directed the CMO to give PRC number to the case for the offences under Sections 448, 354, 323, 506, 509 r/w 34 IPC and directed the accused to furnish sureties to commit the case to Court of Sessions. Accordingly, office has given PRC No.40 of 2014 to the C.C.No.191 of 2013. Aggrieved by the said order the accused have filed Crl.P.No.579 of 2015 under Section 482 Cr.P.C. seeking to quash the

proceedings in PRC No.40 of 2014.

Now, their submission is that all of them are close family relations and at the intervention of elders they have resolved their dispute which was the root cause for the present case and they are living peacefully and as such permission may be accorded to them to compromise the case and record the compromise and consequently quash the proceedings in PRC No.40 of 2014 (old CC.No.191 of 2013) on the file of V Additional Junior Civil Judge, Guntur.

Heard.

Learned Public Prosecutor vehemently opposed the petition on the submission that evidence of PW1 reveals the ingredients of Section 354 and therefore, Magistrate proposed to commit the case to Sessions Court and hence, permission may not be accorded.

Admittedly, parties are close relations and during the death ceremony of mother-in-law of de-facto complainant some property disputes arose between them and in that context allegedly accused trespassed into the house of de-facto complainant and beat her and PW3 and PW4. Thus, it is essentially a family dispute among the close relations and *prima facie* the ingredients of Section 354 IPC are not attracted. Considering that the parties have amicably settled the disputes and no useful purpose will be served if they

are driven to trial, and following the decision reported in

Gian Singh v. State of Punjab and another^[1] this petition is allowed and permission is accorded to compound the matter and compromise is recorded in the light of compromise memo and consequently the proceedings in PRC No.40 of 2014 (old CC.No.191 of 2013) on the file of V Additional Junior Civil Judge, Guntur are hereby quashed.

In the result, both the petitions are accordingly allowed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

05-02-2015

Murthy

^[1] (2012) 10 SCC 303