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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Crl.P.M.P.Nos.12358 and 12359 of 2015

AND

CRIMINAL PETITION No.12377 of 2015

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COMMON ORDER:

1. This criminal petition is filed under Section 482 of Cr.P.C. to quash the proceedings against the petitioners/A-1 to A-3 in C.C.No.115 of 2013 on the file of the VIII Metropolitan Magistrate, Cyberabad at Rajendranagar.

2. Crl.P.M.P.Nos.12358 and 12359 of 2015 are filed to permit the first respondent - *de facto* complainant to compromise the matter with the petitioners/A-1 to A-3.

3. The petitioners and the first respondent are present.

Sri Syed Zameel Ahmed, learned counsel identified the petitioners.

Sri K.Jamadi, learned counsel identified the first respondent.

4. The first respondent in the open Court submitted that he voluntarily entered into compromise with the petitioners at the advice of elders. He further submitted that nobody compelled or forced him to enter into compromise with the petitioners. The offence under Section 379 I.P.C. is compoundable without permission of the Court, whereas the offence under Section 381 I.P.C. is compoundable with the permission of the Court.

5. In ***Gian Singh Vs. State of Punjab***, 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 accused 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 first 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.Nos.12358 and 12359 of 2015 are ordered. Consequently, the Criminal Petition is allowed, quashing the proceedings against the petitioners/A-1 to A-3 in C.C.No.115 of 2013 on the file of the VIII Metropolitan Magistrate, Cyberabad at Rajendranagar.

9. Miscellaneous petitions, if any pending in the Criminal Petition, shall stand closed.

T. SUNIL CHOWDARY, J

25th November, 2015

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