

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. Nos.4508 and 4509 of 2015

AND

Crl. P. No.3561 of 2015

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COMMON ORDER:

The petitioners, who are arraigned as A.1 to A.8 in S.C.No.202 of 2014 on the file of the Court of the learned Assistant Sessions Judge, Avanigadda, Krishna District, filed the instant petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') requesting to quash the proceedings against them in the above said Sessions Case, which was registered for the offences punishable under Sections 341, 307 and 324 read with Section 34 of the Indian Penal Code (for short, 'the I.P.C'). Along with the defacto complainant-Guttikonda Ravi Babu and L.W.3, who is his mother Guttikonda Mangamma, who are shown as injured in the list of witnesses mentioned in the Memo of Evidence appended to the charge sheet, the petitioners filed a joint memo seeking permission of the Court to enter into compromise and to record the compromise and to quash the proceedings in the said Sessions Case.

2. L.W.2-Guttikonda Kalyan, who is the elder brother of the defacto complainant, is stated to be working on offshore projects and that's how he could not present himself today before the Court, but, however, the defacto complainant (injured) along with his mother (another injured) are present, so also the eight accused are present. They represented that they have entered into compromise by settling the civil dispute. They also represented that they have settled the civil dispute between both parties in Lok Adalat, which fact is also mentioned in the affidavit filed by the defacto complainant in Crl.P. M.P. No.4509 of 2015. So far as the stage of Sessions Case is concerned, according to the learned counsel for petitioners, and the learned counsel for defacto complainant, the learned Assistant Sessions Judge, Avanigadda, has issued summons and summons were received by the accused and they are yet to enter their appearance. The learned counsel for petitioners, while submitting that even if the Sessions Case is pending, the quash petition is maintainable for quashing the proceedings in Sessions Case, for the offence punishable under

Section 307 of I.P.C, placing reliance on the decision of the Hon'ble Supreme Court in **Narinder Singh and others v. State of Punjab and another**. The Hon'ble Supreme Court laid down the principles in exercising the power, under Section 482 of the Code, by the High Courts with reference to the stage of Sessions Case, which are to be found in paragraph No.29.7 at page No.484, thus:

"29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/ investigation. It is because of the reason that at this stage the investigation is still on and even the charge- sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime."

3. The instant case in Cr. No.73 of 2011 of Ghantasala Police Station, for the offences punishable under Sections 147, 148, 341, 307, 326 and 324 read with Section 149 of I.P.C, was registered on 26.10.2011. Charge sheet was filed by the Investigating Officer on 17.01.2012. The matter was committed to the Sessions Court in the year 2014 allotting the same to the Court of the learned Assistant Sessions Judge, Avanigadda, Krishna District, on point of jurisdiction.

4. Since it is represented by the learned counsel for both parties that the accused, who are the petitioners herein, have received summons, but yet to enter their appearance. The instant case squarely falls within the guidelines laid down by the Hon'ble Supreme Court in **Narinder Singh's** case (Supra 1).

5. Since the civil dispute between the parties was settled through Lok Adalat as mentioned in the affidavit and as stated by the defacto complainant and L.W.3, and since the parties intend to live amicably and to maintain peace, so as to keep harmony between the parties, so that in future they would be able to live with peace and love as the parties residing in the same village and same street, and, in fact, related interse, permission is granted to compound the offences by recording compromise.

6. Criminal Petition M.P.Nos.4508 and 4509 of 2015 are ordered, and consequently Criminal Petition No.3561 of 2015 is allowed. The proceedings in S.C. No.202 of 2014 on the file of the Assistant Sessions Judge, Avanigadda, Krishna District, are hereby quashed.

7. As a sequel thereto, miscellaneous applications, if any, pending in the criminal petition, stand disposed of.

A. SHANKAR NARAYANA, J

Date: **27.04.2015**

MVA

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