

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.P.M.P.Nos.18567 & 18568 of 2016

IN/AND

Crl.P.No.16445 of 2016

COMMON ORDER:

Crl.MP.No.18567 of 2016 is filed under Sections 320 (2) of Criminal Procedure Code (for short "Cr.P.C.") to record the compromise and quash the proceedings in C.C.No.373 of 2011 on the file of XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, registered for the offences punishable under Sections 498-A IPC, Sections 4 and 6 of Dowry Prohibition Act.

Crl.MP.No.18568 of 2016 is filed under Section 320(6) of Cr.P.C. seeking permission to compound the offences under Sections 3 and 4 of Dowry Prohibition Act in the said case, as they are not compoundable.

Both the parties are present in person and they are identified by their respective counsel and they unanimously stated that the matter is compromised and obtained divorce before the Government Kazi and decided to live separately settling their life in future.

In "***Gian Singh v. State of Punjab and Anr.***"¹ the Apex Court held that depending upon the facts and circumstances of each case, the High Court can exercise its inherent power under Section 482 Cr.P.C., however before exercising such power, High Court must have due regard to nature and gravity of crime and its social impact. It is further held that heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc.,

¹ (2012) 10 SCC 303

could not be fittingly quashed even though victim or victim's family and offender have settled dispute. Such offences were not private in nature and have serious impact on society. Similarly any compromise between victim and offender in relation to offences under special statutes like Prevention of Corruption Act or offences committed by public servants while working in that capacity etc; could not provide for any basis for quashing criminal proceedings involving such offences.

By applying the principle laid down in the above judgment, since the settlement is in the interest of both petitioner/husband and respondent/wife, I find that it is a fit case to permit the petitioner to compound the offence.

Accordingly, both petitions are allowed.

Crl.P.No.16445 of 2016:

In view of the orders passed in Crl.P.M.P.Nos. 18567 and 18568 of 2016, this petition is allowed. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

21.12.2016

Nvl

