

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

Crl.P.M.P.Nos.10088 & 10233 of 2016

and

Criminal Petition No.9297 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in C.C.No.416 of 2016 on the file of the XIV Additional Metropolitan Magistrate, Nampally Criminal Courts, Hyderabad, for the offences punishable under section 353 read with Section 34 I.P.C.

2. The averments in the charge sheet would disclose that on 15-12-2015, the de facto-complainant gave a complaint stating that on 14-12-2015 at about 2200 hours when he was on duty as a Driver to the bus bearing No.AP 29 Z 3193 from Secunderabad to Filmnagar, Route No.47(L) and when he reached near Life Style Building, at that time, two persons came on Honda Unicorn bike bearing No. AP 09 CK 6257 with high speed and rashly, then, the de facto-complainant said them to drive in correct way and left the spot and thereafter when he stopped the bus at Greenlands Bus Stop, the above said persons came to the bus and stopped their vehicle in front of the bus and entered into the bus and spoke vulgarly and beat the de facto-complainant with hands, then he dropped the passengers at Film Nagar and came to Police Station and lodged a complaint against them.

3. Today, when the matter came up for hearing, the second respondent/de facto-complainant and the petitioners/accused are present and are identified by their respective counsel. The petitioners/accused filed the Miscellaneous Petitions seeking to permit to compromise and to record the compromise. They also produced the xerox copies of their Identity Cards. It is submitted by both parties that

at the intervention of the elders, the parties have amicably settled their disputes concerning the present case and hence compromise may be recorded and criminal proceedings in the above case may be quashed.

4. In ***Yogendra Yadav and others v. the State of Jharkhand***^[1]

the Supreme Court, in the matter of compromise of a non-compoundable offence, held as under:

“The question before this Court is whether this Court can compound the offences under Sections 326 and 307 of the IPC, which are non-compoundable. Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (*Gian Singh v. State of Punjab* {(2012) 10 SCC 303}). However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings depending on facts and circumstances of each case. Offences, which involve moral turpitude, grave offences like rape, murder etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.”

5. Having regard to the above submission and considering the fact

that the parties have amicably settled the disputes among themselves out of Court and no useful purpose will be served even if the parties are driven to the trial as they compromised, and following the decision reported in *Gian Singh v. State of Punjab and another*^[2] the criminal miscellaneous petitions are allowed and compromise is recorded.

6. Accordingly, the Crl.M.P.Nos.10088 and 10233 of 2016 and the Criminal Petition are allowed and the proceedings in C.C.No.416 of 2016 on the file of the XIV Additional Metropolitan Magistrate, Nampally, Criminal Courts, Hyderabad, are quashed against the petitioners/accused. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M.S.K.JAISWAL,J

29th June, 2016

skmr

^[1] 2015 (1) ALD (Crl.) 240 (Supreme Court)

^[2] (2012) 10 SCC 303