

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY
CrI.P.M.P.NO.18277 of 2016 IN/AND CrI.P.No.16126 of 2016

ORDER:

CrI.M.P.No.18277 of 2016:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") seeking permission to compound the C.C.No.296 of 2013 on the file of XII Additional Chief Metropolitan Magistrate, Hyderabad registered for the offences punishable under Sections 498-A and 406 of Indian Penal Code (for short "I.P.C.") and under Sections 4 and 6 of Dowry Prohibition Act.

All the petitioners and defacto complainant are present and they are identified by their respective counsels.

On enquiry the parties stated that they settled the issue outside the Court due to intervention of elders and well-wishers and they wanted to lead peaceful life. The petitioner/husband and the respondent/wife specifically stated that they obtained divorce and the respondent No.1/wife in the main petition admitted that she has received all the gold ornaments presented to the petitioner/husband at the time of marriage.

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

¹ (2012) 10 SCC 303

of mental depravity or offences like murder, rape, dacoity, etc., 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 and the said settlement has no social impact; I find that it is a fit case to permit the petitioner to compound the offences.

Accordingly, permission is accorded as sought for.

Crl.P.No.16126 of 2016:

In view of the order passed in Crl.P.M.P.No.18277 of 2016, this petition is allowed. No costs.

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

JUSTICE M. SATYANARAYANA MURTHY

21.11.2016
Ksp