

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.MP.No.17983 of 2016

In/AND

Crl.P.No.15885 of 2016

COMMON ORDER:

Criminal Petition No.15885 of 2016 is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') to quash the proceedings in C.C.1312 of 2015 on the file of Additional Judicial Magistrate of First Class, Karimnagar, registered for the offences punishable under Sections 498/A, 323, 506 r/w 34 of Indian Penal Code and Section 4 of Dowry Prohibition Act.

2. Crl.P.MP.No.17983 of 2016 is filed to permit the petitioner/respondent No.1 to compound the offences in C.C.No.1312 of 2015 and accordingly, quash the proceedings in the aforesaid C.C., in view of the compromise entered into between the petitioner and respondent Nos. 1 to 3.

3. Both the parties are present in person and they are identified by their respective counsel and they produced a copy of Aadhar Card to identify the petitioners and respondent No.2 in the main Petition. They further stated that as per the terms of the Settlement, an amount of Rs.11,00,000/- is handed over to the *de facto* complainant by the accused and the receipt of the same was acknowledged by the *de facto* complainant in the public Court and the above settlement is only in the interest of both parties to settle in their lives.

4. The offences under Sections 498/A, 506 r/w 34 of Indian Penal Code and Section 4 of Dowry Prohibition Act are non-compoundable offences, but as per **Gian Singh v. State of Punjab and another**¹, the Full Bench of the Honourable Apex Court laid down certain guidelines for recording compromise, wherein it was held that the power of the High Court in quashing a criminal proceeding or F.I.R. or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal Court for compounding the offences. It further held that the exercise of power to quash the criminal proceedings or complaint or FIR, where the parties have settled their dispute, would depend on the facts and circumstances of each case. Before exercising the power under Section 482 Cr.P.C., the High Court must have due regard to the nature and gravity of the crime. It further held that heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc., could not be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are 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.

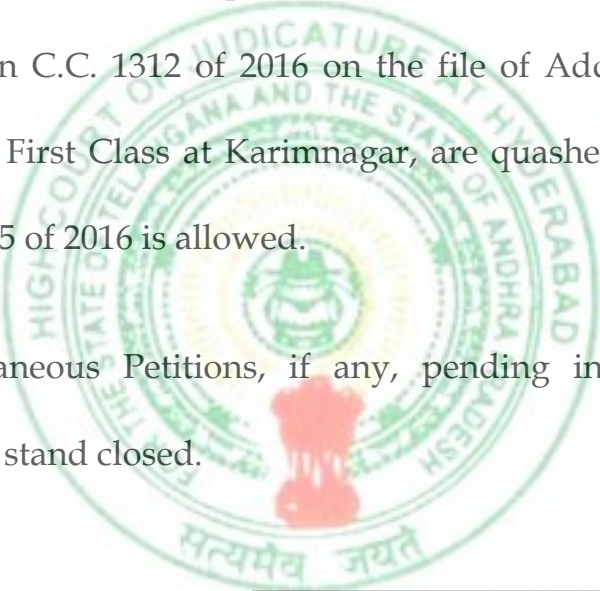
¹ (2012) 10 SCC 303

5. By applying the principle laid down in the aforesaid judgment to the facts of the present case, since the petitioners and respondent No.2 have compromised the matter at the intervention of elders and well wishers, I find that it is a fit case to permit them to compound the offences.

6. Accordingly, Crl.P.MP.No.17983 of 2016 is allowed.

7. In view of the orders passed in Crl.M.P.No.17983 of 2016, the proceedings in C.C. 1312 of 2016 on the file of Additional Judicial Magistrate of First Class at Karimnagar, are quashed. Accordingly, Crl.P.No.15885 of 2016 is allowed.

Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.



M. SATYANARAYANA MURTHY, J

November 17 2016.
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THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



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Dt.17.11.2016

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