

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTY

CRL.M.P.No.15529 of 2016
and
CRIMINAL PETITION No.13752 of 2016

COMMON ORDER

The criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in Crime No.468 of 2016 on the file of Meerpet Police Station, Cyberabad, registered for the offences punishable under Sections 323, 364(A), 420, 506 read with Section 34 IPC and under Section 7(i) of Criminal Amendment Act, 1942 and under Sections 3(1)(i)(f), Sec.3(2)(ii)(v) of SCs & STs (POA) Act, 1989, against petitioners/A1 to A3.

2. Crl.M.P.No.15529 of 2016 is filed under Section 320(6) Cr.P.C., by both parties to record compromise and quash the proceedings in the aforesaid crime.

3. It is alleged in the complaint that due to property disputes, on 16.05.2016, A1 took the de facto complainant to some isolated place, where all the accused threatened to kill him and his son and obtained his signatures on the sale deed and transferred his property without paying any sale consideration. On complaint, the police registered the case under various sections.

4. Today, when the matter came up for hearing, the second respondent/de facto complainant and petitioners/A1 to A3 are present and are identified by their respective counsel. The dispute in the case is with regard to sale of land. Now the petitioners submitted that they paid the entire sale consideration and additional amount also to the de facto complainant, who admitted about receipt of the same. In view of the said

settlement, both parties prayed that compromise may be recorded and criminal proceedings in the above case may be quashed.

5. In **Gian Singh v State of Punjab**¹, the apex Court observed as under:

“..... In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

6. In view of the compromise between the parties and by following the principles laid down in **Gian Singh's** case, this Court is of the view that even if the proceedings are allowed to continue, the second respondent may not support the case of the prosecution and no purpose would be served in keeping the matter pending in view of the settlement arrived at between the parties.

7. Having regard to the facts and circumstances of the case and in view of the nature of offences and also the principle enunciated in the case cited supra, I find that it is a fit case to grant permission to compound the offences alleged against the petitioners and to quash the proceedings.

¹ (2012) 10 SCC 303

8. In the result, Crl.M.P.No.15529 of 2016 is ordered. Consequently, the Criminal Petition is allowed and the proceedings in Crime No.468 of 2016 on the file of Meerpet Police Station, Cyberabad District, are quashed against petitioners/A1 to A3. Miscellaneous petitions, if any, pending in the criminal petition, shall stand closed.

M. SATYANARAYANA MURTY J

19th October, 2016

sj

