

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.MP.Nos.17594 AND 17595 OF 2016

IN/AND

Crl.P.No.15531 OF 2016

COMMON ORDER:

Crl.M.P.No.17594 and 17595 of 2016:

The Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') to quash the proceedings in Cr.No.455 of 2016 on the file of Chatrinaka Police Station, registered for the offence punishable under Section 3 (1) (x) of SCs and STs (POA) Act.

2. Crl.P.MP.No.17594 of 2016 is filed to permit the petitioner to compound the offence, whereas Crl.P.MP.No.17595 of 2016 is filed under Section 320 Cr.P.C. seeking to quash the proceedings in the aforesaid Crime number, in view of the compromise entered into between the petitioner and respondent No.2 in the main petition.

3. The offences under Section 3 (1) (X) of SCs and STs Act is non-compoundable offence, but in **Gian Singh v. State of Punjab and another**¹, the Full Bench of the Honourable Supreme 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

¹ (2012) 10 SCC 303

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.

4. By applying the principle laid down in the aforesaid judgment to the facts and circumstances of the present case, since the petitioner 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.

5. Accordingly, both the Petitions are allowed.

Crl.P.No.15531 of 2015

Heard.

Both the parties are present in person and they are identified by their respective counsel.

In view of the orders passed in Crl.P.MP.Nos.17594 and 17595 of 2016, the proceedings in Cr.No.455 of 2016 on the file of Chatrinaka Police Stations, are quashed. Accordingly, Crl.P.No.15531 of 2015 is allowed.

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

A circular green seal of the High Court of Judicature at Hyderabad, State of Andhra Pradesh. The outer ring contains the text 'HIGH COURT OF JUDICATURE AT HYDERABAD' and 'FOR THE STATE OF ANDHRA PRADESH'. The inner circle features the Ashoka Lion Capital and the motto 'सत्यमेव जयते' (Satyameva Jayate) in Devanagari script at the bottom.

M. SATYANARAYANA MURTHY, J

November 01, 2016.
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Dt.01-11-2016

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