

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.MP.Nos.18993 AND 18994 OF 2016
IN/AND
CRIMINAL PETITION NO.16835 OF 2016

ORDER:

This criminal petition is filed under Section 320 read with Section 482 of Cr.P.C seeking permission to quash the proceedings in Spl Sessions Case No.35 of 2013 on the file of Special Judge for Trial of Offences under S.Cs & S.Ts (POA) Act-cuVI Additional Metropolitan Sessions Judge, Secunderabad.

The petitioners and the first respondent/defacto complainant are present and they are identified by their respective counsels and produced Photostat copies of Aadhar cards to prove their identity.

On enquiry, the defacto complainant Mandal Krishna Madiga fairly informed the Court the he voluntarily entered into compromise with the petitioners due to intervention of elders and well-wishers and they wanted to lead peaceful life.

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 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

¹ (2012) 10 SCC 303

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 principles laid down by the Supreme Court in the judgment referred supra, since the settlement is in the interest of the petitioners and the first respondent and the said settlement has no societal impact, I find that it is a fit case to permit the petitioners to compound the offences.

Accordingly, permission is accorded as sought for.

Crl.P.NO.16835 OF 2016

In view of the orders passed by this Court in CRL.P.MP.Nos.18993 and 18994 OF 2016 this petition is allowed.

Consequently, miscellaneous applications pending if any, shall also stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:23.12.2016
SP