

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRL.P.M.P. No.18238 OF 2016
IN/AND
CRIMINAL PETITION No.16102 OF 2016

COMMON ORDER:

CrI.P.M.P.No.18238 of 2016, under Section 320 of Criminal Procedure Code,1973 (for short, 'Cr.P.C.'), is filed seeking permission to compound the offence punishable under Section 153-A IPC and Section 67-A of Information Technology Act, 2000 in Cr.No.91 of 2016 of Mirchowk Police Station, Hyderabad, registered against the petitioner.

Both the parties are present in person and they are identified by their respective counsel and they unanimously stated that they entered into compromise and they wanted to live amicably.

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 compromise between victim and offender in relation to offences under special statutes like Prevention of Corruption Act or offences committed

¹ (2012) 10 SCC 303

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by public servants while working in that capacity etc; could not provide for any basis for quashing criminal proceedings involving such offences.

Though Section 67-A of Information Technology Act, 2000 is a serious offence, the petitioner allegedly circulated the information by electronic process to the complainant, who is a member of RSS. It will have no effect on the society.

In view of the guidelines laid down by the Apex Court in judgment referred above, considering the nature of the offence, which has no impact on the society, I find that it is a fit case to permit the petitioners to compound the offence.

Accordingly, permission is accorded in CrI.P.M.P. No.18238 of 2016 as sought for.

In view of the order passed in CrI.P.M.P.No.18238 of 2016, criminal petition is allowed. No costs.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 18.11.2016
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