

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.MP.Nos.18513 and 18514 of 2016

and

Crl.P.No.16388 of 2016

ORDER:

Criminal Petition No.16388 of 2016 is filed under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.', for brevity) to quash the proceedings in C.C.No.838 of 2016 on the file of XXV Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad, registered for the offences punishable under Sections 304-A & 338 of IPC.

2. Crl.P.MP.No.18513 of 2016 is filed under Section 482 Cr.P.C. to permit the petitioner and Respondent Nos.2 & 3 to compromise the proceedings, whereas Crl.P.MP.No.18514 of 2016 is filed under Section 320 (6) Cr.P.C. to record the actual facts and consequently quash the entire proceedings in the aforesaid C.C., in view of the compromise entered into between the petitioner and respondent Nos.2 and 3.

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

4. Though the offence punishable under Section 338 is compoundable with the permission of the Court and the offence punishable under Section 304-A is a 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 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.

5. By applying the principle laid down in the aforesaid judgment to the facts of the present case, since the petitioner and respondent Nos.2 and 3 have compromised the matter at the intervention of elders

¹ (2012) 10 SCC 303

and well wishers, I find that it is a fit case to permit them to compound the offences.

6. Accordingly, Crl.P.MP.Nos.18513 and 18514 of 2016 are allowed. In view of the orders passed in Crl.P.MP.Nos.18513 and 18514 of 2016, the proceedings in CC No.838 of 2016 on the file of XXV Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad, are quashed. Accordingly, Crl.P.No.16388 of 2016 is allowed.

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

29th November, 2016

Note:-

Furnish CC by 30.11.2016
(B/o)
Bvv

M. SATYANARAYANA MURTHY, J

