

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.M.P. Nos.19129 And 19130 OF 2016
IN/AND
CRIMINAL PETITION No.16982 OF 2016

COMMON ORDER:

Crl.P.M.P.Nos.19129 & 19130 of 2016 are filed under Sections 320(2) &(6) of Criminal Procedure Code,1973 (for short, 'Cr.P.C.') to record the compromise and seeking permission to compound the offences punishable under Sections 417, 420 and 384 IPC in Cr.No.234 of 2015 of Challapalli Police Station,Krishna District.

Both the parties are present in person and they are identified by their respective counsel and produced Photostat copies of Aadhar cards in proof of their identity. Both parties stated that due to intervention of elders, the matter is settled and as per the settlement, the petitioner returned promissory notes on receipt of the amount due under promissory notes and reduced the compromise and filed joint memo. As the compromise is voluntary and in the interest of both parties, it is a fit case to compound the offence.

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

¹ (2012) 10 SCC 303

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

In view of the judgment, when compromise is not having any impact on the society, the Court can give permission to compound the offence. Here, the compromise will have no societal impact. Therefore, permission is accorded by following the principle laid down in the above judgment to compound the offences.

Accordingly, both the MPs are allowed.

In view of the order passed in Cr1.P.M.P.Nos.19129 and 19130 of 2016, criminal petition is allowed. No costs.

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

JUSTICE M. SATYANARAYANA MURTHY

21.12.2016

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