

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Cr1.PMP No.18778 AND 18779 OF 2016
IN/AND
CRIMINAL PETITION NO.16641 OF 2016

ORDER:

This criminal petition is filed under Section 482 of Cr.P.C to quash the proceedings in C.C.No.1102 of 2014 pending on the file of the II Additional Junior Civil Judge-cum-XIX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad.

The offences allegedly committed by the petitioners are punishable under Section 384 IPC & Sections 3(5), 10, 13 of A.P. Telangana Area Money Lending Act.

Section 384 IPC deals with punishment for extortion and the punishment prescribed thereunder is three years or with fine or with both. Such offence can be compounded with permission of this Court.

Both the petitioners and the defacto complainant are present in the Court today. They are identified by their respective counsel and they produced photostat copies of Aadhar cards to prove their identity. On enquiry, both the petitioners and defacto complainant stated that they entered into compromise voluntarily.

The offence allegedly committed by the petitioners is extortion and carrying on money lending business without any license. Even if the offences are permitted to be compounded, it will have no societal impact.

In “**Gian Singh v. State of Punjab and Anr.**”¹ the Apex Court held that depending upon the facts and circumstances of

¹ (2012) 10 SCC 303

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 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, such permissions will not have any serious impact on the society rather than special enactments like Prevention of Corruption Act.

But here, the offences committed by the petitioners are extortion and carrying on money lending business without any license. As the matter is settled outside the Court, if the Trial is allowed to continue, supporting the case of prosecution is bleak and it would be a futile attempt to continue the proceedings. Permitting to compound such offences will have no impact on the society. Therefore, considering the facts and circumstances of the case and the terms of compromise, leave is granted to both the parties to enter into compromise by exercising power under Section 320(6) of Cr.P.C. Accordingly Crl.P.MP is allowed.

Crl.P.NO.16641 OF 2016

In view of the order passed by this Court in Crl.P.M.P.No.18778 and 18779 of 2016 as to the terms of compromise, the proceedings in C.C.No.1102 of 2014 pending on the file of the II Additional Junior Civil Judge-cum-XIX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad are quashed.

In the result, the criminal petition is allowed.

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

JUSTICE M. SATYANARAYANA MURTHY

Date:14.12.2016
SP

