

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CrI.P.MP.Nos.18871 & 18872 of 2016

In/AND

CrI.P.No.16582 of 2016

COMMON ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') to quash the proceedings in PRC No.6 of 2016 on the file of XIII Metropolitan Magistrate, Ranga Reddy at L.B. Nagar, registered for the offences punishable under Sections 498(A) and 307 IPC.

2. As seen from the allegations in the charge sheet, except making bald allegations that an injunction was given to *de facto* complainant and thereafter her neck was pressed holding her legs and hands and thereupon she was shifted to some other place etc., None of the allegations made in the complaint or in the charge sheet disclose that the petitioners made an attempt to kill the petitioner, except making allegations, referred to above. The allegations made in the complaint would not constitute offence punishable under Section 307 IPC.

3. The statement recorded by the police during investigation also does not disclose anything to constitute an offence punishable under Section 307 IPC. Therefore, the proceedings against the petitioners for the offence under Section 307 IPC are liable to be quashed, in view of the guide line No.1 of the Apex Court in **State of Hariyana vs. Bajan Lal**<sup>1</sup>, that the allegations made in the FIR or complaint even if they are taken on their

---

<sup>1</sup> 1992 SCC (CrI) 426

face value and accepted their entirety do not *prima facie* constitute any offence or make out a case against the accused.

4. Though there are certain allegations to constitute an offence punishable under Section 498-A IPC, both the parties filed a Petition seeking leave of this Court to compound the offence since it is non-compoundable offence.

5. Both the parties are present-in-person and they are identified by their respective counsel and the parties also produced photostat copies of their Aadhar Cards in proof of identity. They also produced copy of Memorandum of Compromise and the terms and conditions were read over and explained to the parties and they admitted. They further admitted that due to intervention of elders, the matter is settled so as to enable them to live separately and settle in their lives and it is voluntary.

6. Though the offence stated above is not compoundable, but in view of the Judgment in *Gian Singh v. State of Punjab and another*<sup>2</sup>, wherein the Full Bench of Apex Court 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

---

<sup>2</sup> (2012) 10 SCC 303

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.

7. In view of the settlement entered into by the parties by filing a joint memo, I deem it appropriate to grant leave to the petitioners to compound the offence.

8. Accordingly, Crl.P.MP.Nos.18871 and 18872 of 2016 are allowed. In view of the orders passed in the aforesaid petitions, the proceedings in PRC No.6 of 2016 on the file of XIII Metropolitan Magistrate, Ranga Reddy at L.B.Nagar, are quashed. Accordingly, Crl.P.No.16582 of 2016 is allowed.

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

---

**M. SATYANARAYANA MURTHY, J**

December 20, 2016.  
eha

**THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY**



**Crl.P.MP.Nos.18871 & 18872 of 2016**

**In/AND**

**Crl.P.No.16582 of 2016**

**Dt.20.12.2016**

**eha**