

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRL.P.M.P.No.18007 & 18008 of 2016

in/and

CRL.P.No.15802 of 2016

COMMON ORDER :

Crl.P.M.P.No.18007 and 18008 of 2016 are filed under Section 320 of Criminal Procedure Code (for short, 'Cr.P.C.') seeking permission to compound the offence punishable under Section 307 IPC in Crime No.603 of 2015 of Chanderghat Police Station, Hyderabad City, and also to record compromise respectively.

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

The offence allegedly committed by the petitioner/accused is for the offence punishable under Section 307 IPC, but the dispute is between the wife and husband. In view of the mediation held by the elders, both parties settled the matter and agreed to live together after compromise. In fact, the offence under Section 307 IPC cannot be compounded. But, in **Yogendra Yadav and others v. State of Jharkhand and another**¹, a similar question came up for consideration and in view of the settling the matter to live together in restoring the peace, the Court can permit the parties to compound the offence even punishable under Section 307 IPC though it is non-compoundable. The Apex Court in **Manohar Singh v. State of**

¹ (2014) 9 SCC 653

Madhya Pradesh and another², held “non-compoundable offences under S.498-A IPC and S.4 Dowry Prohibition Act, cannot be compounded by court as both are non-compoundable – However, if there is a genuine compromise between husband and wife, criminal complaints arising out of matrimonial discord can be quashed, even if offences alleged therein are non-compoundable, because such offences are personal in nature and do not have repercussions on society unlike heinous offences like murder, rape, etc., - If High Court forms an opinion that it is necessary to quash proceedings to prevent abuse of process of any court or to secure ends of justice, High Court can do so –Inherent power of High Court under S.482 Cr.P.C. is not inhibited by S.320 Cr.P.C. –Supreme Court can also follow such a course”

In “*Gian Singh v. State of Punjab and Anr.*”³ 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

² (2014) 13 SCC 75

³ (2012) 10 SCC 303

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 principle laid down in the above judgments and as per the terms of compromise, the petitioner handed over a demand draft for Rs.10,00,000/- to the 2nd respondent/wife and the same can be deposited in the name of their child and they wanted to live together, since the settlement is in the interest of both petitioner/husband and 2nd respondent/wife, I find that it is a fit case to permit the petitioners to compound the offence.

Accordingly, permission is accorded as sought for and both the petitions are allowed.

CrI.P.No.15802 of 2016:

In view of the order passed in CrI.P.M.P.Nos.18007 and 18008 of 2016, this petition is allowed. No costs.

Miscellaneous petitions pending, if any, shall also stand closed.

M. SATYANARAYANA MURTHY, J

10th November 2016

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