

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

Crl.P.M.P.No.8008 of 2016 in Crl.P.No.13531 of 2015

&

CRIMINAL PETITION No.13531 of 2015

COMMON ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 to quash the proceedings in C.C. No.25 of 2016 on the file of the Judicial Magistrate of First Class, Adoni, Kurnool District registered for the offences punishable under Sections 448, 380 and 506 of the Indian Penal Code, 1860.

2. The 2nd respondent/*de facto* complainant and his counsel are present. The petitioner/accused and his counsel are also present.

3. Heard both sides and perused the record.

4. Basing on report lodged by 2nd respondent/*de facto* complainant, police registered a crime and laid charge sheet after completion of investigation. It is submitted by both parties that at the intervention of the elders, the parties have amicably settled their disputes concerning to the present case and hence compromise may be recorded and criminal proceedings in the above case may be quashed.

5. In ***Yogendra Yadav and others v. the State of***

Jharkhand^[1] the Supreme Court, in the matter of compromise of a non-compoundable offence, held as under:

“The question before this Court is whether this Court can compound the offences under Sections 326 and 307 of the IPC, which are non-compoundable. Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (*Gian Singh v. State of Punjab* {(2012) 10 SCC 303}). However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings depending on facts and circumstances of each case. Offences, which involve moral turpitude, grave offences like rape, murder etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame

prosecution would be waste of time and energy.
That will also unsettle the compromise and obstruct
restoration of peace.”

Having regard to the above submission and
considering the fact that the parties have amicably settled
the disputes among themselves out of Court and no
useful purpose will be served even if the parties are driven
to the trial as they compromised, and following the
decision reported in ***Gian Singh v. State of Punjab and
another***^[2], compromise is recorded, and consequently,
proceedings in C.C. No.25 of 2016 on the file of the
Judicial Magistrate of First Class, Adoni, Kurnool District
are hereby quashed.

6. The Crl.P.M.P.No.8008 of 2016 and Crl.P.No.13531
of 2016 are accordingly allowed.
7. Pending miscellaneous applications, if any, shall
stand closed in consequence.

M.S.K.JAISWAL,J

24.06.2016

DRK

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[\[1\]](#) 2015 (1) ALD (Cr.) 240 (Supreme Court)

[\[2\]](#) (2012) 10 SCC 303