

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.1794 of 2016

ORDER:

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The Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioners/A.1 and A.2 seeking to quash the proceedings in crime No.222 of 2015 on the file of the Chirala I Town Police Station, Prakasam District, registered for the offences under Sections 498-A, 307, 324 IPC read with Section 34 IPC.

Heard and perused the material available on record.

Learned counsel for the petitioners submits that originally the case is registered against the petitioners for the offences under Section 498-A IPC read with Section 34 IPC and later, the Sections of law were altered to Sections 498-A, 307, 324 IPC read with Section 34 IPC. He further submits that the petitioners and the second respondent/*de facto* complainant have entered into a compromise and as such, prays this Court to quash the proceedings against the petitioners herein.

Learned counsel for the petitioners/A.1 and A.2 submits that though the offences registered against the petitioners are non-compoundable, the Court has the power to permit the parties to enter into compromise, as per the decision of the Supreme Court in **Gian Singh v State of Punjab (2012 Cri.L.J.4934)**. The relevant portion of the said Judgment is extracted as under (paras 53 and 54)

53. Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. They are different and not interchangeable. Strictly speaking, the power of compounding of offences given to a Court under Section 320 is materially different from the quashing of criminal proceedings by the High Court in exercise of its inherent jurisdiction. In compounding of offences, power of a criminal

court is circumscribed by the provisions contained in Section 320 and the Court is guided solely and squarely thereby while, on the other hand, the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment.

54. Where the High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and victim has been settled although offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. ... In respect of serious offences like murder, rape, dacoity, etc; or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between offender and victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry etc., or the family dispute, where the wrong is basically to victim and the offender and victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or F.I.R., if it is satisfied that on the face of such settlement, there is hardly any likelihood of offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard and fast category can be prescribed.

(emphasis supplied)

This Court, relying on the said Judgment of the Hon'ble

Supreme Court, is of the view that though the offences are non-compoundable,

it may be permitted to compound the offences. Accordingly, parties are permitted to compound the offences.

In view of the amicable settlement of the dispute between the parties, the criminal petition is allowed and the proceedings in crime No.222 of 2015 on the file of the Chirala I Town Police Station, Prakasam District, are hereby quashed.

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

JUSTICE RAJA ELANGO

15.02.2016
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