

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.MP.Nos.17908 of 2016

In/AND

Crl.P.No.15825 of 2016

COMMON ORDER:

Criminal Petition No.15825 of 2016 is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') to quash the proceedings in C.C.No.598 of 2012 on the file of VIII Metropolitan Magistrate, Cyberabad at Rajendranagar, registered for the offences punishable under Sections 498-A and 406 IPC

2. Crl.P.MP.No.17908 of 2016 is filed to permit the petitioner to compound the offence and accordingly, quash the proceedings in the aforesaid CC No.598 of 2012, in view of the compromise entered into between the petitioner and respondent No.2 in the main Petition.

3. Both the parties are present in person and they are identified by their respective counsel. They submitted that they entered into compromise at the intervention of elders and they wanted to settle their lives by obtaining divorce by mutual consent.

4. The offence under Section 498-A and 406 IPC is non-compoundable offence, but in **Gian Singh v. State of Punjab and another**¹, the Full Bench of the Honourable Apex Court laid down certain guidelines for recording compromise, wherein it was held that the power of the High Court in quashing a criminal proceeding

¹ (2012) 10 SCC 303

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 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.

5. By applying the principle laid down in the aforesaid judgment to the facts of the present case, since the petitioner and respondent No.2 have compromised the matter at the intervention of elders and well wishers, I find that it is a fit case to permit them to compound the offence.

6. Accordingly, Crl.P.MP.No.17908 of 2016 is allowed.

7. In view of the orders passed in Crl.M.P.No.17908 of 2016, the proceedings in C.C.No.598 of 2012 on the file of VIII Metropolitan Magistrate, Cyberabad at Rajendranagar, are quashed. Accordingly, Crl.P.No.15825 of 2016 is allowed.

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

M. SATYANARAYANA MURTHY, J

November 8, 2016.
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Dt.08.11.2016

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