

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRL.M.P.Nos.17842 and 17843 of 2016
and
CRIMINAL PETITION No.15754 of 2016

COMMON ORDER

The criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in Crime No.83 of 2016 on the file of Nampally Police Station, Hyderabad District, registered for the offence punishable under Section 420 IPC and under Section 3(1)(x) of SCs & STs (POA) Act, 1989, against petitioner/A1.

2. Crl.M.P.Nos.17842 and 17843 of 2016 are filed under Sections 320(6) and 320(2) Cr.P.C., respectively, by both parties to record compromise and quash the proceedings in the aforesaid crime.

3. Today, when the matter came up for hearing, the second respondent/de facto complainant and petitioner/A1 are present and are identified by their respective counsel. The second respondent stated that petitioner/A1 agreed to marry her. In view of the said settlement, both parties prayed that compromise may be recorded and criminal proceedings in the above case may be quashed.

4. In **Gian Singh v State of Punjab**¹, the apex Court observed as under:

“..... In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding

¹ (2012) 10 SCC 303

would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

5. In view of the compromise between the parties and by following the principles laid down in **Gian Singh’s** case, this Court is of the view that even if the proceedings are allowed to continue, the second respondent may not support the case of the prosecution and no purpose would be served in keeping the matter pending in view of the settlement arrived at between the parties.

6. Having regard to the facts and circumstances of the case and in view of the nature of offences and also the principle enunciated in the case cited supra, I find that it is a fit case to grant permission to compound the offences alleged against the petitioner and to quash the proceedings.

7. In the result, CrI.M.P.Nos.17842 and 17843 of 2016 are ordered. Consequently, the Criminal Petition is allowed and the proceedings in Crime No.83 of 2016 on the file of Nampally Police Station, Hyderabad District, are quashed against petitioner/A1. Miscellaneous petitions, if any, pending in the criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY J

7th November, 2016

sj