

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRL.P.M.P.No.18036 of 2016 in/and CRL.P.No.14374 of 2016

COMMON ORDER :

Crl.P.M.P.No.18036 of 2016 is filed under Section 320(2) of Criminal Procedure Code (for short, 'Cr.P.C.') seeking permission to compound the offences punishable under Sections 420, 406, 477A and 120-B read with 34 IPC in C.C.No.677 of 2015 on the file of the I-Additional Judicial First Class Magistrate, Kothagudem.

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

In "*Gian Singh v. State of Punjab and Anr.*"¹ 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 relation to offences under special statutes like Prevention of Corruption Act or offences committed by public servants while

¹ (2012) 10 SCC 303

working in that capacity etc; could not provide for any basis for quashing criminal proceedings involving such offences.

Though some of the offences compoundable with the permission of the Court, by applying the principle laid down in the above judgment, since the settlement is in the interest of both parties and to maintain peace in the village, I find that it is a fit case to permit the petitioners to compound the offences.

Accordingly, permission is accorded as sought for.

Crl.P.No.14374 of 2016:

In view of the order passed in Crl.P.M.P.No.18036 of 2016, this petition is allowed. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

M. SATYANARAYANA MURTHY, J

10th November 2016

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