

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

-
CRL.P.NO.9148 OF 2016

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ORDER

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the 1st respondent - State and the learned counsel for the 2nd respondent.

2. This criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in S.C.No.3 of 2016 on the file of VI Additional Metropolitan Sessions Judge, Secunderabad, registered against the petitioners, who are A-1 and A-2, for the offences punishable under Sections 323 IPC and Section 3(1)(x) of S.C., ST (POA) Act.

3. Today, when the matter came up for hearing, the learned counsel for the petitioners submitted that the parties have amicably settled the matter and the 2nd respondent, who is the de facto complainant filed Crl.M.P.No.9930 of 2016 in Crl.P.No.9148 of 2016 to permit him to compound the above offences and to quash the proceedings. The learned counsel submitted that in the present case, out of the two charges, one offence is non-compoundable and as the parties have settled the matter, sought this court, to record compromise and quash the proceedings. In support of the submission, that this court under Section 482 Cr.P.C. can quash the proceedings if the parties compound the offence even, if the same is non-compoundable, reliance is placed on the judgment in **Yogendra Yadav v. State of Jharkhand**^[1], wherein the Apex Court held that “ *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.*”

4. Both the parties are present and submitted that they have amicably settled the matter and the 2nd respondent / de facto complainant may be permitted to compound the above offence. The parties are identified by their

counsel. Both the parties have signed in the joint memorandum of compromise and the same has been counter signed by their respective counsel. In view of these circumstances and the law laid down by Apex court i n Yogendra Yadav's case (supra), the Crl.M.P.No.9930 of 2016 in Crl.P.No.9148 of 2016 is allowed and the joint memorandum of compromise is made part of this order.

5. The proceedings in S.C.No.3 of 2016 on the file of VI Additional Metropolitan Sessions Judge, Secunderabad, registered against the petitioners, who are A-1 and A-2, for the offences punishable under Sections 323 IPC and Section 3(1)(x) of S.C., ST (POA) Act, are hereby quashed and the criminal petition is allowed in terms of the compromise. No costs.

6. Miscellaneous petitions pending if any, shall stand closed.

AVS

27—06—2016

[\[1\]](#) 2015 (1) ALD (Crl.) 240 (SC)