

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.PMP Nos.18991 AND 18992 OF 2016
IN/AND
CRIMINAL PETITION NO.16833 OF 2016

ORDER:

This criminal petition is filed under Section 482 of Cr.P.C to quash the proceedings in P.R.C.No.59 of 2016 pending on the file of the Additional Judicial Magistrate of First Class, Anantapur.

Both the petitioners and the defacto complainant are present in the Court today and they are identified by their respective counsel.

On enquiry, both the petitioners and defacto complainant stated that they settled the issue outside the Court due to intervention of elders and well-wishers and they wanted to lead peaceful life.

The offences committed by the petitioners are punishable under Sections 498(A), 307, 343, 403, 406, 506 r/w 34 IPC and Sections 3 & 4 of Dowry Prohibition Act. Even if the offences committed by the petitioners are permitted to be compounded, it will have no societal impact.

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.,

¹ (2012) 10 SCC 303

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

By applying the principles laid down by the Supreme Court in the judgment referred supra, such permissions will not have any serious impact on the society rather than special enactments like Prevention of Corruption Act.

As the matter is settled outside the Court, if the Trial is allowed to continue, chances of supporting the case of prosecution are bleak and it would be a futile attempt to continue the proceedings. Permitting to compound such offences will have no impact on the society. Therefore, considering the facts and circumstances of the case and the terms of compromise, leave is granted to both the parties to enter into compromise by exercising power under Section 320(6) of Cr.P.C. Accordingly Crl.P.MP is allowed.

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In view of the order passed by this Court in Crl.PMP Nos.18991 and 18992 OF 2016 as to the terms of compromise, the proceedings in P.R.C.No.59 of 2016 pending on the file of the Additional Judicial Magistrate of First Class, Anantapur are quashed.

In the result, the criminal petition is allowed.

Consequently, miscellaneous applications pending if any, shall also stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:16.12.2016
SP

