

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.MP.No.18251 of 2016

In/AND

Crl.P.No.10478 of 2014

COMMON ORDER:

Criminal Petition No.10478 of 2014 is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') to quash the proceedings in CC No.134 of 2013 on the file of Judicial Magistrate of First Class, Hindupur, Ananthapur District, registered for the offences punishable under Sections 498-A r/w 34 IPC and Sections 3 and 4 of DP Act.

2. Crl.P.MP.No.18251 of 2016 is filed to permit the petitioner to compound the offence and accordingly, quash the proceedings in the aforesaid CC, 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 and they produced Copies of Aadhar Cards for their identity. They submitted that the matter was already settled before Lok Adalat and an Award was passed in M.C.No.10 of 2013 dt. 21.06.2014.

4. The offence under Section 498-A r/w 34 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

¹ (2012) 10 SCC 303

that the power of the High Court in quashing a criminal proceeding 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 and in view of the settlement arrived before the Court and it is in the interest of both parties, I find that it is a fit case to permit them to compound the offence.

6. Accordingly, Crl.P.MP.No.18251 of 2016 is allowed.

7. In view of the orders passed in Crl.M.P.No.18251 of 2016, the proceedings in CC No.134 of 2013 on the file of Judicial Magistrate of First Class, Hindupur, Ananthapur District, are quashed. Accordingly, Crl.P.No.10478 of 2014 is allowed.

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

M. SATYANARAYANA MURTHY, J

November 18, 2016.
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THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



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Dt.18.11.2016

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