

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

**Crl.P.MP.No.18759 of 2016
in/and
Crl.P.No.16186 of 2016**

ORDER:

Crl.P.No.16186 of 2016 is filed under Section 482 Cr.P.C., to quash the proceedings in Crime No.214 of 2016 of Marredpally Police Station, Hyderabad, for the offence punishable under Section 306 IPC.

2. Crl.P.MP.No.18759 of 2016 in Crl.P.No.16186 of 2016 is filed under Section 482 of Cr.P.C., seeking permission of this Court to compound the offence punishable under Section 306 IPC.

3. In fact, the offence punishable under Section 306 IPC is not compoundable either with or without permission of the Court. However, as seen from the allegations made in the FIR, at the time of parking the vehicles, there was a quarrel between the petitioner, who is the owner of the Apartment, and the husband of the defacto-complainant, who was working as a Watchman, in which the petitioner beat him and abused him. Subsequently, after having dinner, the defacto-complainant and her husband went to sleep. In the intervening night of 14/15.08.2016, at about 1.00 hour, having got upset with the said incident, the husband of the defacto-complainant committed suicide by consuming some poisonous substance.

4. From the above, it is evident that the allegations made in the FIR are bereft of any allegation that at the instigation of the petitioner, the husband of the defacto-complainant committed suicide or that the conduct of the petitioner lead him to commit suicide.

5. Section 107 of IPC defines 'abetment of a thing' — A person abets the doing of a thing, who — (First) — Instigates any person to do that thing; or (Secondly) —Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or (Thirdly) — Intentionally aids, by any act or illegal omission, the doing of that thing, such person is said to have abetted.

6. In the present facts of the case, in the absence of any material particulars, the allegations made in the FIR are not sufficient to conclude that the petitioner abetted the husband of the defacto-complainant to commit suicide.

7. In similar circumstances, in SANJU ALIAS SANJAY SINGH SENGAR v. STATE OF M.P.¹, the Hon'ble Supreme Court in para-14 of its judgment held as follows:

"A plain reading of the suicide note would clearly show that the deceased was in great stress and depressed. One plausible reason could be that the deceased was without any work or avocation

¹ (2002) 5 SCC 371

and at the same time indulged in drinking as revealed from the statement of the wife Smt. Neelam Sengar. He was a frustrated man. Reading of the suicide note will clearly suggest that such a note is not a handy work of a man with sound mind and sense. Smt. Neelam Sengar, wife of the deceased, made a statement under [Section 161](#) Cr.P.C. before the Investigation Officer. She stated that the deceased always indulged in drinking wine and was not doing any work. She also stated that on 26th July, 1998 her husband came to them in an inebriated condition and was abusing her and other members of the family. The prosecution story, if believed, shows that the quarrel between the deceased and the appellant had taken place on 25th July, 1998 and if the deceased came back to the house again on 26th July, 1998, it cannot be said that the suicide by the deceased was the direct result of the quarrel that had taken place on 25th July, 1998. Viewed from the aforesaid circumstances independently, we are clearly of the view that the ingredients of 'abetment' are totally absent in the instant case for an offence under [Section 306](#) I.P.C. It is in the statement of the wife that the deceased always remained in a drunken condition. It is a common knowledge that excessive drinking leads one to debauchery. It clearly appeared, therefore, that the deceased was a victim of his own conduct unconnected with the quarrel that had ensued on 25th July, 1998 where the appellant is stated to have used abusive language. Taking the totality of materials on record and facts and circumstances of the case into consideration, it will lead to irresistible conclusion that it is the deceased and he alone, and none else, is responsible for his death.”

8. That apart, the Apex Court time and again laid down certain guidelines in such matters stating that the Court can accord permission to compound the offence and in *GIAN SINGH V. STATE OF PUNJAB AND ANR.*², the Apex Court laid down certain guidelines where the offences, which are not compoundable with or without permission of the Court, can be compounded and held as follows:

“..... the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent

² (2012) 10 SCC 303

jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under [Section 320](#) of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot 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 the victim and offender in relation to the offences under special statutes like [Prevention of Corruption Act](#) or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. 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 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."

9. The defacto-complainant and the petitioner-Accused appeared in person before this Court and they are identified by their respective counsel, besides furnishing photostat copies of Adhar Card for their identification and voluntarily stated that they entered into compromise to settle the dispute. Further, there is nothing on record to establish that the petitioner beat and abetted the husband of the defacto-complainant to commit suicide.

10. Therefore, in the interest of both the parties, as the petitioner and the defacto-complainant want to lead a peaceful life by compromising the matter, according such permission will have no societal impact.

11. Accordingly, permission is accorded and Crl.P.MP.No.18759 of 2016 is allowed.

12. In view of the order passed in Crl.P.M.P.No.18759 of 2016, Crl.P.No.16186 of 2016 is allowed quashing the proceedings in Crime No.214 of 2016 of Marredpally Police Station, Hyderabad.

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

M. SATYANARAYANA MURTHY, J

07.12.2016.
Msr

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

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