

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.M.P.NO.17731 OF 2016 IN CRIMINAL PETITION No.15657
OF 2016

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ORDER:

This petition is filed under Section 320 (6) of Criminal Procedure Code (for short "Cr.P.C.") seeking permission to compound the offences in P.R.C.No.3 of 2016 on the file of IX Additional Chief Metropolitan Magistrate, Nampally, registered for the offences punishable under Sections 324 read with 34 of Indian Penal Code (for short "I.P.C.") & Section 3(i) (x) of SC and STs.(POA) Act, 1989.

Both parties present, identified by their respective counsel. When enquired, they stated that due to intervention of elders, they decided to live amicably being same villagers, settling in their lives avoiding roaming around the courts. Such compromise is in the interest of both parties and benefits both.

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

¹ (2012) 10 SCC 303

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

By applying the principle laid down in the above judgment, since the settlement is in the interest of both parties, I find that it is a fit case to permit the petitioner to compound the offence.

Accordingly, permission is accorded as sought for.

CRIMINAL PETITION No.15657 OF 2016 .

In view of the order passed in Cr1.P.M.P.No.17731 Of 2016 In Criminal Petition No.15657 Of 2016, this petition is allowed. No costs.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 4-11-2016.

Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dated 4-11-2016.

Dvs