

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.MP.No.18999 OF 2016
IN/AND
CRIMINAL PETITION NO.16842 OF 2016

ORDER:

This criminal petition is filed under Section 320 read with Section 482 of Cr.P.C seeking permission to quash proceedings in Crime No.6 of 2016 on the file of XII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, for the offences punishable under Section 354-A of IPC and Section 3(1)(x) of SC/ST (POA) Act, 1989, in view of the compromise entered between the petitioner and the second respondent.

The petitioner and defacto complainant are present and they are identified by their respective counsels, produced Photostat copy of identity card to identify themselves.

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

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., could not be fittingly quashed even though victim or victim's family and offender have settled dispute. Such offences were not private

¹ (2012) 10 SCC 303

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, since the settlement is in the interest of both the petitioner and the second respondent and the said settlement has no societal impact, I find that it is a fit case to permit the petitioner to compound the offences.

Accordingly, permission is accorded as sought for.

Crl.P.NO.16842 OF 2016

In view of the orders passed by this Court in Crl.P.M.P.No.18999 of 2016 this petition is allowed.

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

JUSTICE M. SATYANARAYANA MURTHY

Date:16.12.2016
SP