

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CrI.P.MP.Nos.18727 AND 18728 of 2016

AND

CrI.P.No.16577 OF 2016

ORDER:

The main Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') to quash the proceedings in C.C.No.330 of 2015 on the file of XIII Additional Chief Metropolitan Magistrate, Nampally, registered for the offences punishable under Sections 498(A), 406 IPC and Sections 4 and 6 of Dowry Prohibition Act.

2. CrI.P.MP.Nos.18728 and 18727 of 2016 are filed seeking to permit the petitioners to compound the aforesaid offences and to record the compromise entered into between the parties and to quash the proceedings in the aforesaid C.C.

3. Both the parties are present-in-person and they are identified by their respective counsel and the parties also produced photostat copies of their Aadhar Cards in proof of identity.

4. On enquiry, the petitioners and respondent No.2/*de facto* complainant with one voice stated that the petitioners paid Rs.7,50,000/- by way of Demand Draft bearing No. 502049, dt. 13.12.2016 towards full and final satisfaction of all the claims. The receipt of the same was acknowledged by the respondent No.2/*de facto* complainant, that she also agreed to withdraw DVC No.24 of 2015 on the file of XI Metropolitan Magistrate, Cyberabad, LB Nagar, Rangareddy District and also C.C.No.330 of 2015 on the file of XIII Additional Chief Metropolitan Magistrate at Hyderabad. She also agreed to file a petition under Section 13-B of Hindu Succession Act to obtain divorce by mutual consent. As the compromise is voluntary and it is in the interest of both parties, no purpose would be served if it

is tried and disposed of by the Court as there are no chances to depose against the petitioner by the respondent No.2/de facto complainant.

5. Though the offences stated above are not compoundable offences, but in view of the Judgment in *Gian Singh v. State of Punjab and another*¹, wherein the Full Bench of Apex Court held 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.

6. Since the petitioners and respondent No.2 have compromised the matter at the intervention of elders and submitted that the dispute between them is entirely personal in nature, in view of the principle laid down in the aforesaid judgment, I find that it is a fit case to permit the petitioners and respondent No.2 to compound the offences.

¹ (2012) 10 SCC 303

7. Accordingly, Crl.P.MP.Nos.18727 and 18728 of 2016 are allowed. In view of the orders passed in the aforesaid petitions, the proceedings in C.C.No.330 of 2015 on the file of XIII Additional Chief Metropolitan Magistrate, Nampally, are quashed. Accordingly, Crl.P.No.16577 of 2016 is allowed.

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

M. SATYANARAYANA MURTHY, J

December 13, 2016.
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THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



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Dt.13.12.2016

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