

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.M.P.Nos.17272 of 2016 and Crl.P.No.15259 of 2016
and
Crl.M.P.No.17602 of 2016 and Crl.P.No.15535 of 2016

COMMON ORDER:

Since both the criminal petitions arise out of the case and counter case filed by the parties against each other, they are being taken up together for disposal by this common order.

2. Crl.P.No.15259 of 2016 is filed under Section 482 Cr.P.C., to quash the proceedings in S.C.No.55 of 2015 on the file of Special Judge for Trial of Offences under SCs & STs (POA) Act, Nellore, registered for the offences punishable under Section 323 read with Section 34 IPC and under Section 3(1)(x) of SCs & STs(POA) Act, 1989, against petitioners/A1 to A3.

3. Crl.P.No.15535 of 2016 is filed under Section 482 Cr.P.C., to quash the proceedings in Crime No.80 of 2013 of Sullurpet Police Station, SPSR Nellore District, registered for the offences punishable under Sections 323, 465, 408 IPC and under Sections 3 and 4 of SCs & STs (POA) Act, 1989, against petitioners/A2, A6, A8 to A16.

4. Crl.M.P.Nos.17272 and 17602 of 2016 are filed under Section 320(2) Cr.P.C., in both the criminal petitions respectively, by both parties to record compromise and quash the proceedings in the aforesaid sessions case and the FIR

5. Today, when the matter came up for hearing, both parties are present and are identified by their respective counsel. It is submitted by both parties that at the intervention of elders, the parties have

amicably settled their disputes concerning the present cases and hence compromise may be recorded and criminal proceedings in the above cases may be quashed.

6. Learned counsel for the petitioners relied on a judgment of the Apex Court rendered in “***Yogendra Yadav and others v. State of Jharkhand and another***¹”, wherein the Apex Court has considered the powers of Court to grant permission to compound the offences though they are not compoundable while referring to the guidelines issued in “***Gian Singh v. State of Punjab and Anr.***²” and held in paragraph No.6 as follows:

“.....Affidavit has been filed in this Court by complainant-Anil Mandal, who is Respondent No. 2 herein. In the affidavit he has stated that a compromise petition has been filed in the lower court. It is further stated that he and the Appellants are neighbours, that there is harmonious relationship between the two sides and that they are living peacefully. He has further stated that he does not want to contest the present appeal and he has no grievance against the Appellants. Learned Counsel for the parties have confirmed that the disputes between the parties are settled; that parties are abiding by the compromise deed and living peacefully. They have urged that in the circumstances pending proceedings be quashed. State of Jharkhand has further filed an affidavit opposing the compromise. The affidavit does not persuade us to reject the prayer made by the Appellant and the second Respondent for quashing of the proceedings.”

7. In ***Gian Singh v State of Punjab***³, the apex Court observed as under:

“..... 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

¹ 2015 (1) ALD (CrL.) 240 (SC)

² (2012) 10 SCC 303

³ (2012) 10 SCC 303

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.”

8. In view of the compromise between the parties and by following the principles laid down in the aforesaid judgments, this Court is of the view that even if the proceedings are allowed to continue, the de-facto complainants may not support the case of the prosecution and no purpose would be served in keeping the matter pending in view of the settlement arrived at between the parties.

9. Having regard to the facts and circumstances of the case and also the principles enunciated in the cases cited supra, I am of the considered opinion that it is a fit case to quash the proceedings.

10. In the result, the Crl.M.Ps., are ordered. Consequently, both the Criminal Petitions are allowed and the proceedings in S.C.No.55 of 2015 on the file of the Special Judge for Trial of Offences under SCs & STs (POA) Act, 1989, Nellore, are quashed against petitioners/A1 to A3 and also proceedings in Cr.No.80 of 2013 of Sullurpet Police Station, SPSR Nellore District, are quashed against petitioners/A2,A6,A8 to A16. Miscellaneous petitions, if any, pending in these criminal petitions, shall stand closed.

M. SATYANARAYANA MURTHY, J

3rd November, 2016
sj