

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

**Crl.P.MP.No.18581 of 2016
in/and
Crl.P.No.15861 of 2016**

ORDER:

Crl.P.No.15861 of 2016 is filed under Section 482 Cr.P.C., to quash the proceedings in FIR.No.223 of 2016 on the file of Mahankali Police Station, Secunderabad, for the offences punishable under Section 509 of IPC and Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Crl.P.MP.No.18581 of 2016 in Crl.P.No.15861 of 2016 is filed under Section 320 r/w. Section 482 of Cr.P.C., seeking permission of this Court to compound the aforesaid offences by recording compromise.

3. Though the aforesaid offences are not compoundable offences in exercise of powers under Section 482 Cr.P.C., this Court can accord permission to compromise the offences, if the said compromise will have no impact on the society.

4. In GIAN SINGH V. STATE OF PUNJAB AND ANR.¹, 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:

¹ (2012) 10 SCC 303

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

5. Therefore, by applying the principle laid down in the above judgment, since according permission to compound the offences would have no impact on the society, it is appropriate to accord permission to compound the offences in view of the settlement arrived at between both the parties to lead a peaceful life.

6. Further, both the parties are present before this Court and they are identified by their respective counsel. They also produced photostat copies of Adhar Card in proof of their identity. On enquiry, they stated that they entered into the compromise due to intervention of elders as they wanted to settle in the village, both being residents of the same village, and lead a peaceful life.

7. Accordingly, permission is accorded and Crl.P.MP.No.18581 of 2016 is allowed.

8. In view of the order passed in Crl.P.M.P.No.18581 of 2016, Crl.P.No.15861 of 2016 is allowed quashing the proceedings in FIR.No.223 of 2016 on the file of Mahankali Police Station, Secunderabad, for the offences punishable under Section 509 of IPC and Sections 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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

M. SATYANARAYANA MURTHY, J

05.12.2016.

Msr

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.MP.No.17765 of 2016
in/and
Crl.P.No.15679 of 2016



05.12.2016
Msr