

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY
CrI.P.M.P.NO.17216 of 2016 IN/AND CrI.P.No.15215 of 2016

ORDER:

CrI.M.P.No.17216 of 2016:

This petition is filed under Section 320 of Criminal Procedure Code (for short "Cr.P.C.") seeking permission to compound the C.C.No.202 of 2016 on the file of XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, registered for the offence punishable under Section 498-A of Indian Penal Code (for short "I.P.C.")

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 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,

¹ (2012) 10 SCC 303

since the settlement is in the interest of both petitioner/husband and respondent/wife, I find that it is a fit case to permit the petitioner to compound the offence.

Accordingly, permission is accorded as sought for.

Crl.P.No.15215 of 2016:

In view of the order passed in Crl.P.M.P.No.17216 of 2016, this petition is allowed. No costs.

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

Date:21.10.2016
Ksp

JUSTICE M. SATYANARAYANA MURTHY

