

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Cr1.PMP No.10953 OF 2016
IN/AND
CRIMINAL PETITION NO.10877 OF 2015

ORDER:

This criminal petition is filed under Section 482 of Cr.P.C to quash the proceedings in C.C.No.1126 of 2012 pending on the file of the II Additional Metropolitan Magistrate, Vijayawada, for the offences allegedly committed by the petitioner punishable under Section 498(A) IPC.

On enquiry, the parties stated that they settled the issue outside the Court due to intervention of elders and well-wishers by entering into joint memorandum of understanding for leading peaceful life. According to the joint memorandum of understanding, the petitioner agreed to pay total amount of Rs.26,00,000/-, out of which Rs.20,00,000/- to the second respondent and Rs.6,00,000/- to the child Master P. Yasha Vishnu Phani Sai. The second respondent has also given consent for passing of decree of divorce in F.C.A.No.65 of 2011 before this Court and also agreed to withdraw D.V.C.No.140 of 2012.

Both the petitioner and the defacto complainant/second respondent are present in the Court today. They are identified by their respective counsels and they produced photostat copies of Aadhar cards to prove their identity.

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

¹ (2012) 10 SCC 303

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 principles laid down by the Supreme Court in the judgment referred supra, such permissions will not have any serious impact on the society rather than special enactments like Prevention of Corruption Act.

But here, the offences committed by the petitioner is under Section 498-A. As the matter is settled outside the Court, if the Trial is allowed to continue, supporting the case of prosecution is bleak and it would be a futile attempt to continue the proceedings. Permitting to compound such offences will have no impact on the society. Therefore, considering the facts and circumstances of the case and the terms of compromise, leave is granted to both the parties to enter into compromise by exercising power under Section 320(6) of Cr.P.C. Accordingly Crl.P.MP is allowed.

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In view of the order passed by this Court in Crl.P.M.P.No.10953 of 2016 as to the terms of compromise, the proceedings in C.C.No.1126 of 2012 pending on the file of the II Additional Metropolitan Magistrate, Vijayawada, are quashed.

In the result, the criminal petition is allowed.

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

Date:16.12.2016
SP

JUSTICE M. SATYANARAYANA MURTHY

