

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY
CrI.P.M.P.NO.17212 of 2016 IN/AND CrI.P.No.15211 of 2016

ORDER:

CrI.M.P.No.17212 of 2016:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") seeking permission to compound the Crime No.74 of 2016 on the file of Chityal Police Station, Warangal Rural, registered for the offences punishable under Sections 448 and 323 of Indian Penal Code (for short "I.P.C.") and under Section 3 (1) (r) (s) of SC, ST (POA) Act, 1989.

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.

According to the principle laid down in the above judgment

¹ (2012) 10 SCC 303

inherent power to quash the proceedings under Section 482 Cr.P.C. can be exercised keeping in mind the gravity of the crime and its social impact. Here, the offence allegedly committed by the accused is punishable under Section 448s and 323 IPC, which are not serious in nature, but so far as the other offence under Section 3 (1) (r) (s) of SC, ST (POA) Act, 1989 is abusing a scheduled caste person by touching his caste name and intimidating him; the social impact of such offence is not much and that apart the parties to the crime are the residents of same village and to maintain cordiality among the villagers they entered into compromise. Taking into consideration of the social impact of the crime, I find that it is a fit case to permit the petitioner to compound the offence.

Accordingly, permission is accorded to compound to the Crime No.74 of 2016 on the file of Chityal Police Station, Warangal Rural, registered for the offences punishable under Sections 448 and 323 of Indian Penal Code (for short "I.P.C.") and under Section 3 (1) (r) (s) of SC, ST (POA) Act, 1989.

Crl.P.No.15211 of 2016:

In view of the order passed in Crl.P.M.P.No.17212 of 2016, this petition is allowed. No costs.

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

JUSTICE M. SATYANARAYANA MURTHY

Date:21.10.2016
Ksp