

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.P.M.P.NOs.18115 AND 18116 of 2016
IN/AND Crl.P.No.16007 of 2016

ORDER:

Crl.M.P.Nos.18115 AND 18116 of 2016:

These petitions are filed under Section 320 of Criminal Procedure Code (for short "Cr.P.C.") seeking permission to compound C.C.No.277 of 2016 on the file of VI Additional Metropolitan Magistrate-cum-Bheemunipatnam, Visakhapatnam District, registered for the offences punishable under the offences punishable under Sections 324, 342, 355, 384 & 506 I.P.C for impleading the complainant and the injured, as they settled the matter outside the Court amicably.

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

¹ (2012) 10 SCC 303

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, since the settlement is in the interest of both the parties and since, the offences are not having serious impact on the society, I find that it is a fit case to permit the petitioner and 2nd respondent to compound the offence.

Accordingly, permission is accorded as sought for.

Crl.P.No.16007 of 2016:

In view of the order passed in Crl.M.P.Nos.18115 AND 18116 of 2016, this criminal petition is allowed. No costs.

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

JUSTICE M. SATYANARAYANA MURTHY

16.11.2016
SP