

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

-
CRL.P.NO.6061 OF 2016

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ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 1st respondent - State and the learned counsel for the 2nd respondent.

2. This criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in DVC.No.21/2013 on the file of I Class Judicial Magistrate (Excise Court), Ongole, Prakasam District.

3. Today, when the matter came up for hearing, the learned counsel for the petitioner submitted that the parties have amicably settled the matter and both the parties filed CrI.M.P.No.10603/2016 in CrI.P.No.6061/2016 to permit them to compound the above offences and to quash the proceedings. The learned counsel submitted that in the present case, some of the the offences are non-compoundable and as the parties have settled the matter, sought this court, to record compromise and quash the proceedings. In support of this submission, the learned counsel relied on the judgment in **Yogendra Yadav v. State of Jharkhand**^[1], wherein the Apex Court held that “ *However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable.*”

4. Both the parties are present and submitted that they have amicably settled the matter and the 2nd respondent / de facto complainant may be permitted to compound the above offence. The parties are identified by their counsel. Both the parties have signed in the joint memorandum of compromise and the same, has been counter signed by their respective counsel. In view of these circumstances and the law laid down by Apex court i n Yogendra Yadav's case (supra), the CrI.M.P.No.10603/2016 in CrI.P.No.6061/2016 is allowed and the joint memorandum of compromise,

along with the affidavit of the 2nd respondent, are made part of this order.

5. The proceedings in DVC.No.21/2013 on the file of I Class Judicial Magistrate (Excise Court), Ongole, Prakasam District. are hereby quashed and the criminal petition is allowed in terms of the compromise. No costs.

6. Miscellaneous petitions pending if any, shall stand closed.

AVS

08—07—2016

[\[1\]](#) 2015 (1) ALD (CrI.) 240 (SC)