

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.MP.Nos.18954, 18955 AND 18956 OF 2016

IN/AND

CRIMINAL PETITION NO.16804 OF 2016

ORDER:

This criminal petition is filed under Section 482 of Cr.P.C to quash the proceedings in Crime No.40 of 2010 on the file of Cyber Crime Police Station, CID, Hyderabad, for the offences allegedly committed by the petitioner punishable under Section 66-A of Information Technology Act and Section 507 of IPC.

Both the petitioner and the defacto complainant are present in the Court today. They are identified by their respective counsel and they produced photostat copies of Aadhar cards to prove their identity. On enquiry, both the petitioners and defacto complainant stated that they entered into compromise voluntarily.

Section 66-A of I.T. Act deals with computer related offences and the Apex Court struck down Section 66-A of I.T Act. Therefore, the question of proceeding against the petitioner even if the petitioner is allowed to be tried, it would not serve any purpose. On the other hand Section 507 IPC is criminal intimidation which is not a serious offence. Even if the offences are permitted to be compounded, it will have no societal impact.

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

¹ (2012) 10 SCC 303

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.

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 orders passed by this Court in Crl.P.M.P.Nos.18954, 18955 and 18956 of 2016 as to the terms of compromise, the proceedings in Crime No.40 of 2010 pending on

the file of the Cyber Crime Police Station, CID, Hyderabad are quashed.

In the result, the criminal petition is allowed.

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

JUSTICE M. SATYANARAYANA MURTHY

Date:16.12.2016
SP

