

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.MP.No.18184 of 2016

In/AND

Crl.P.No.15988 of 2016

COMMON ORDER:

Criminal Petition No.15988 of 2016 is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') to quash the proceedings in C.C. 361 of 2016 on the file of VIII Additional Chief Metropolitan Magistrate, Hyderabad, registered for the offence punishable under Section 279 of Indian Penal Code.

2. Crl.P.MP.No.18184 of 2016 is filed to permit the petitioner/accused to compound the offences in C.C.No.361 of 2016 and accordingly, quash the proceedings in the aforesaid C.C., in view of the compromise entered into between the petitioner and respondent No.2 in the main OP.

3. Both the parties are present-in-person and they are identified by their respective counsel. They admitted that the matter is settled at the intervention of elders and the petitioner/accused agreed to compensate the loss sustained by the *de facto* complainant for his car and the *de facto* agreed for the same. The Petitioner also produced a copy of Aadhar Card for identifying him.

4. The offence under Section 279 of IPC is non-compoundable offences, but as per **Gian Singh v. State of Punjab and another**¹, the Full Bench of the Honourable Apex Court laid down certain

¹ (2012) 10 SCC 303

guidelines for recording compromise, wherein it was held that the power of the High Court in quashing a criminal proceeding or F.I.R. or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal Court for compounding the offences. It further held that the exercise of power to quash the criminal proceedings or complaint or FIR, where the parties have settled their dispute, would depend on the facts and circumstances of each case. Before exercising the power under Section 482 Cr.P.C., the High Court must have due regard to the nature and gravity of the crime. It further held that heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc., could not be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are 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.

5. By applying the principle laid down in the aforesaid judgment to the facts of the present case, since the petitioner and respondent No.2 have compromised the matter at the intervention of elders and well wishers, I find that it is a fit case to permit them to compound the offence.

6. Accordingly, Crl.P.MP.No.18184 of 2016 is allowed.

7. In view of the orders passed in Crl.M.P.No.18184 of 2016, the proceedings in C.C. 361 of 2016 pending on the file of VIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad, are quashed. Accordingly, Crl.P.No.15988 of 2016 is allowed.

Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

November 17, 2016.
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M. SATYANARAYANA MURTHY, J



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Dt.17.11.2016

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