

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY
Cr1.P.M.P.NO.18379 of 2016 IN/AND Cr1.P.No.16230 of 2016

ORDER:

Cr1.M.P.No.18379 of 2016:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") seeking permission to record compromise and quash the C.C.No.684 of 2012 on the file of the VIII Additional Chief Metropolitan Magistrate, Hyderabad, registered for the offences punishable under Sections 452, 324 read with 34 I.P.C.

The petitioners in the main petition and the victim/defacto complainant are present and they are identified by their respective counsels. The petitioners and the victim produced Photostat copies of their aadhaar cards.

On enquiry the parties stated that they settled the issue outside the Court due to intervention of elders and well-wishers and they wanted to lead peaceful life. When the matter was settled, even if the proceedings are permitted to be continued, there is no possibility of victim supporting the case of the prosecution during the trial.

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

¹ (2012) 10 SCC 303

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 principle laid down in the above judgment, since the settlement is in the interest of both the petitioners and the victim/defacto complainant and the said settlement has no societal impact; I find that it is a fit case to permit the petitioners to compound the offences.

Accordingly, permission is accorded as sought for.

Crl.P.No.16230 of 2016:

In view of the order passed in Crl.P.M.P.No.18379 of 2016, this petition is allowed. No costs.

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

JUSTICE M. SATYANARAYANA MURTHY

25.11.2016
Ksp