

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY
CrI.P.M.P.NO.17372 of 2016 IN/AND CrI.P.No.14977 of 2016

ORDER:

CrI.M.P.No.17372 of 2016:

This petition is filed under Section 320 read with 482 of Criminal Procedure Code (for short "Cr.P.C.") seeking permission to compound the C.C.No.80 of 2016 on the file of the II Additional Judicial Magistrate of First Class, Tanuku, West Godavari District, registered for the offences punishable under Section 420 Indian Penal Code (for short "I.P.C.") and under Sections 10 and 24 of Immigration Act, 1983.

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 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.

¹ (2012) 10 SCC 303

By applying the principle laid down in the above judgment, since the settlement is in the interest of both the parties and the offences alleged in the crime have no social impact on the society, I find that it is a fit case to permit the petitioner to compound the offences.

Accordingly, permission is accorded as sought for.

Crl.P.No.14977 of 2016:

In view of the order passed in Crl.P.M.P.No.17372 of 2016, this petition is allowed. No costs.

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

Date:24.10.2016
Ksp

JUSTICE M. SATYANARAYANA MURTHY

