

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.MP.No.18833 of 2016

In/AND

Crl.P.No.13523 of 2014

COMMON ORDER:

Crl.P.M.P.No.18833 of 2016 is filed under Section 320 r/w 482 Cr.P.C. seeking leave of this Court to compound the offences punishable under Sections 498-A, 494 IPC and Section 3 and 4 of Dowry Prohibition Act.

2. Both the parties are present-in-person and they are identified by their respective counsel and the parties also produced photostat copies of their Aadhar Cards in proof of identity.

3. On enquiry, the petitioners with one breath stated that M. Balaswamy/A.1 paid Rs.6,75,000/- by way of Demand Draft bearing No. 092676, dt. 24.10.2016 drawn at State Bank of Hyderabad, Collectorate Complex Branch, Mahabubnagar, to the respondent No.2 towards full and final satisfaction of all the claims including permanent alimony. The receipt of the same was acknowledged by the respondent No.2/*de facto complainant*, that she also agreed to convert the Petition i.e., O.P.No.1533 of 2015 on the file of II Additional Family Court-cum-IV Additional District Judge at Miyapur, into a Petition under Section 13-B of Hindu Marriage Act and withdraw D.V.C.No.21 of 2014 on the file of XIX Metropolitan Magistrate at Miyapur, Rangareddy District. As the compromise is voluntary and it is in the interest of both parties, no

purpose would be served if it is tried and disposed of by the Court as there may be no chance to depose against the petitioners by the respondent No.2/de facto complainant.

4. Though the offences stated above are not compoundable offences, but in view of the Judgment in *Gian Singh v. State of Punjab and another*¹, wherein the Full Bench of Apex Court 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

¹ (2012) 10 SCC 303

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 present petitioners along with A.1 in Crl.P.No.16574 of 2016 and respondent No.2 have compromised the matter settling all their disputes, I find that it is a fit case to permit them to compound the offences by allowing this Petition.

6. Accordingly, Crl.P.MP.No.18833 of 2016 is allowed.

7. In view of the orders passed in Crl.P.M.P.No.18833 of 2016, the proceedings in C.C. No.1207 of 2014 on the file of XIX Metropolitan Magistrate at Kukatpally, against the petitioners/A.2 to A.5 are quashed. Accordingly, Crl.P.No.13523 of 2014 is allowed.

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

M. SATYANARAYANA MURTHY, J

December 13, 2016.
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Dt.13.12.2016

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