

HON'BLE SRI JUSTICE M.S.K. JAISWAL

Crl.P.M.P.No.7592 of 2016
and
Criminal Petition No.2093 of 2016

Order:

The criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in Crl.R.P.No.165 of 2014 on the file of the VIII Additional Sessions Judge, at L.B. Nagar, Ranga Reddy district.

2. The averments in the complaint would disclose that the petitioner herein-accused No.1 approached the 1st respondent Chit Fund Company-*de facto* complainant and availed hire purchase for Rs.1,60,000/- on 05-11-2008 by agreeing to repay such loan with 30 equal monthly instalments and for such transaction, accused 2 and 3 stood as guarantors. The petitioner having paid 4 instalments amounting to Rs.1,14,000/-, failed to pay the remaining instalments amounting to Rs.1,14,000/- and in addition to interest of Rs.76,000 and therefore, the total outstanding amount of Rs.1,90,000/- and on several request and demands, the petitioner issued a cheque for Rs.1,75,000/- towards part payment and such cheque was dishonoured with an endorsement "funds insufficient" and on that, the *de facto* complainant issued legal notice on 24-7-2013 and the same was received by the petitioner on 26-7-2013, but the petitioner neither paid the amount due under cheque nor issued any receipt.

3. Today, when the matter came up for hearing, respondent No.1-*de facto* complainant and the petitioner-accused No.1 are present and are identified by their

respective counsel. The *de facto* complainant filed a petition seeking to compound the offence alleged against the petitioner and to quash the proceedings against him. It is submitted by both parties that at the intervention of the elders, the parties have amicably settled their disputes concerning the present case and hence compromise may be recorded and criminal proceedings in the above case may be quashed.

4. In **Yogendra Yadav v. State of Jharkhand** ^{[\[11\]](#)}

the Supreme Court, in the matter of compromise of a non-compoundable offence, held as under:

“The question before this Court is whether this Court can compound the offences under Sections 326 and 307 of the IPC, which are non-compoundable. Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed [**Gian Singh v. State of Punjab** (2012) 10 SCC 303]. However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings depending on facts and circumstances of each case. Offences, which involve moral turpitude, grave offences like rape, murder etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely

personal in nature and, therefore, do not affect public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.”

5. Having regard to the above submission and considering the fact that the parties have amicably settled the disputes among themselves out of Court and following the decision reported in **Gian Singh v. State of Punjab**^[2] the criminal miscellaneous petition is allowed and compromise is recorded.

6. Accordingly, Crl.P.M.P.No.7592 of 2016 and the criminal petition are allowed and the proceedings in Crl.R.P.No.165 of 2014 on the file of the VIII Additional Sessions Judge, at L.B. Nagar, Ranga Reddy district are quashed against the petitioner-accused No.1. The miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M.S.K. JAISWAL, J.

20th June, 2016.
Ak

o. n. n.

20th June, 2016.
(Ak)

[\[1\]](#) 2015 (1) ALD (CrL) 240 (SC)

[\[2\]](#) (2012) 10 SCC 303