

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.14241 of 2016

COMMON ORDER:

This Criminal Petition under Section 482 of Cr.P.C. is filed by the petitioners/A.1 to A.3 to quash the proceedings in C.C.No.11 of 2013 on the file of V Additional Judicial First Class Magistrate, Rajahmundry, East Godavari District, registered for the offences punishable under Sections 498-A r/w 34 IPC and Sections 3 and 4 of DP Act.

2. Learned counsel for Respondent No.2/*De facto* Complainant filed a Memo reporting no objection for allowing the Criminal Petition and to get quashment of the proceedings in C.C.No.11 of 2013.

3. The offences under Sections 498-A r/w 34 IPC and Section 3 and 4 of DP Act, 1961 are non-compoundable offence, but in **Gian Singh v. State of Punjab and another**¹, the Full Bench of the Honourable Apex Court laid down certain 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,

¹ (2012) 10 SCC 303

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.

4. By applying the principle laid down in the aforesaid judgment to the facts of the present case and in view of withdrawal of C.M.A.No.760 of 2015 on the file of Division Bench of this Court by filing a Letter dt. 17.11.2016, I find that it is a fit case to quash the proceedings.

5. In view of the facts and circumstances of the case, the proceedings in C.C.No.11 of 2013 on the file of V Additional Judicial First Class Magistrate, Rajahmundry, East Godavari District, registered for the offences punishable under Sections 498-A r/w 34 IPC and Sections 3 and 4 of DP Act, are quashed.

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

M. SATYANARAYANA MURTHY, J

November 18, 2016.
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THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



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Dt.18.11.2016

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