

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CrI.P.M.P.No. 18278 and 19279 of 2016

AND

CrI.P.No.16127 OF 2016

COMON ORDER.

CRL.P.M.P. Nos.18278 and 19279 of 2016 are filed seeking permission to compromise and compound the offences punishable under Sections 498-A, 406 of IPC and Sections 4 and 6 of the Dowry Prohibition Act.

On enquiry, both parties entered into settlement and in terms of settlement, they both divorced as per custom prevailing under Mohamed in Law.

It is clear from the statement of the petitioner that the compromise is voluntary but so far as the contention regarding its disentitlement, Section 3 of Muslim Women Act and under Section 125 Cr.P.C. this condition is against statutory right, therefore, this court did not accept the condition relating to claim of maintenance by the respondent.

Excluding the said condition, the petitioners are permitted to compound the offences punishable under Sections 498-A and Sections 4 and 6 of Dowry Prohibition Act.

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

¹ (2012) 10 SCC 303

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.

By applying the principle laid down in the above judgment, since the settlement is in the interest of both parties, I find that it is a fit case to permit the petitioners to compound the offences.

Accordingly, permission is accorded in CRL.P.M.P. Nos. 18278 and 19279 of 2016 as sought for.

In view of the order passed in Crl.P.M.P.Nos.18278 and 19279 of 2016, this Criminal Petition No.16127 of 2016 is allowed. No costs.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 30-11-2016.

Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dated 30-11-2016.

Dvs