

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

CRIMINAL PETITION No.12891 of 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 2nd respondent - State and the learned counsel for the 1st respondent – de facto complainant.

This criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in Crime No.84 of 2016 on the file of Velugodu Police Station, Kurnool, registered against the petitioner, who is sole accused, for the alleged offences punishable under Sections 147, 148, 323, 394, 427, 452, 506 r/w 149 IPC.

Today, when the matter came up for hearing, the learned counsel for the petitioner submitted that the parties have amicably settled the matter and filed Crl.M.P.Nos.14477 and 14478 of 2016 in Crl.P.No.12891 of 2016 to permit them to compound the above offences and to quash the proceedings. The learned counsel submitted that in the present case some of the offences are non-compoundable and as the parties have settled the matter, sought this court, to record compromise and quash the proceedings. In support of this submission, the learned counsel relied on the judgment in **YOGENDRA YADAV V. STATE OF JHARKHAND**^[1], wherein the Apex Court held that *“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.”*

Both the parties are present and submitted that they have

amicably settled the matter and the 1st respondent / de-facto complainant may be permitted to compound the above offences. The parties are identified by their counsel. The parties have signed in the joint memorandum of compromise and the same has been counter signed by their respective counsel. In view of these circumstances and the law laid down by Apex court in Yogendra Yadav's case (supra), the CrI.M.P.Nos.14477 and 14478 of 2016 in CrI.P.No.12891 of 2016 are allowed and the joint memorandum of compromise is made part of this order.

The proceedings in Crime No.84 of 2016 on the file of Velugodu Police Station, Kurnool, registered against the petitioner, who is sole accused, for the alleged offences punishable 147, 148, 323, 394, 452, 427, 506 r/w 149 IPC are hereby quashed and the criminal petition is allowed in terms of the compromise.

Miscellaneous petitions pending if any, shall stand closed.

M.S.K. JAISWAL, J

August 31, 2016

Note: issue C.C. by 01.09.2016
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[\[1\]](#) 2015 (1) ALD (CrI.) 240 (SC)