

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

CRL.P. MP.No.15985 of 2016

and

CRIMINAL PETITION No.14148 of 2016

ORDER

The criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in C.C.No.357 of 2015 on the file of XV Additional Chief Metropolitan Magistrate, Hyderabad, registered for the offences punishable under Sections 406 and 506 IPC, against the petitioners/A1 and A2.

2. Heard both sides and perused the record.

3. The averments in the charge sheet would disclose that the petitioners/A1 and A2, who are husband and mother-in-law of the complainant respectively, used to harass her mentally and physically by demanding additional dowry and they had misappropriated all her belongings i.e., jehez articles, jewellery and other articles and threatened to sell the same in order to meet their demand.

4. Today, when the matter came up for hearing, the second respondent/de facto complainant and the petitioners/A1 and A2 are present and are identified by their respective counsel. They filed a petition seeking to compound the offences alleged against them and to quash the proceedings against them. 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.

5. In ***Yogendra Yadav and others v. the State of Jharkhand***¹ 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.”

¹ 2015 (1) ALD (Crl.) 240 (Supreme Court)

6. Having regard to the above submission and considering the fact that the parties have amicably settled the disputes among themselves out of Court and no useful purpose will be served even if the parties are driven to the trial as they compromised, and following the decision reported in ***Gian Singh v. State of Punjab and another***² the criminal miscellaneous petition is allowed and compromise is recorded.

7. Accordingly, the Crl.M.P.No.15985 of 2016 and the Criminal Petition are allowed and the proceedings in C.C.No.357 of 2015 on the file of XV Additional Chief Metropolitan Magistrate, Hyderabad, are quashed against the petitioners/A1 and A2. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

23rd September, 2016
sj

M.S.K. JAISWAL, J



² (2012) 10 SCC 303