

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.MP.Nos.18887 AND 18888 of 2016

AND

Crl.P.No.16732 of 2016

COMMON ORDER:

The main Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') to quash the proceedings in C.C.SR.No.4148 of 2016 on the file of IX Additional Chief Metropolitan Magistrate, Hyderabad, registered for the offences punishable under Sections 417, 420 r/w 34 of IPC.

2. Crl.P.MP.Nos.18887 and 18888 of 2016 are filed seeking to permit the petitioner to compound the aforesaid offences and to record the compromise entered into between the parties and to quash the proceedings in the aforesaid Crime respectively.

3. Both the parties are present-in-person and they are identified by their respective counsel and the parties also produced photostat copies of their Aadhar Cards in proof of identity. On enquiry, they informed that they settled the matter outside the Court and the petitioners paid Rs.5,91,070/- by RTGS transfer. The receipt of the same was acknowledged by the respondent No.2/de facto complainant.

4. Though the offences stated above are not compoundable offences, but in view of the Judgment in *Gian Singh v. State of Punjab and another*¹, wherein the Full Bench of Apex Court 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

¹ (2012) 10 SCC 303

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, 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.

5. In view of the settlement entered into by the parties by filing a joint memo, I deem it appropriate to permit them to grant leave to the petitioner to compound the offence.

6. Accordingly, Crl.P.MP.Nos.18887 and 18888 of 2016 are allowed. In view of the orders passed in the aforesaid petitions, the proceedings in C.C.SR.No.4148 of 2016 on the file of IX Additional Chief Metropolitan Magistrate, Hyderabad, registered for the offences punishable under Sections 417, 420 r/w 34 of IPC, are quashed. Accordingly, Crl.P.No.16732 of 2016 is allowed.

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

M. SATYANARAYANA MURTHY, J

December 13, 2016.
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Dt.13.12.2016

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