

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CrI.P.M.P.No.18950 of 2016

IN/AND

CrI.P.No.16800 of 2016

COMMON ORDER:

CrI.MP.No.18950 of 2016 is filed under Section 320 of Criminal Procedure Code (for short "Cr.P.C.") to grant leave of the Court to compound the offences punishable under Sections 294, 420 and 506 IPC in Cr.No.116 of 2016 of Falaknama Police Station, Hyderabad City, as the matter is settled outside the Court and filed joint memo before this Court, as the defacto complainant agreeing to withdraw the allegations made against the petitioner and as the offences allegedly committed by the accused are not compoundable without leave of the Court.

Both parties appeared in person and they are identified by their respective counsel, produced photo copies of aadhar cards in proof of their identity. When they enquired, they stated that they reduced the terms of compromise in terms of joint memorandum and accepted that it is voluntary and filed joint memorandum of compromise before this Court and accepted that compromise is only interest of both parties and voluntary, so as to enable them to live in future settling their lives. Since the parties entered into compromise settling the matter amicably, I deem it proper to grant permission to compound the offence.

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

¹ (2012) 10 SCC 303

Section 482 Cr.P.C., however before exercising such power, High Court must 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 petitioner to compound the offence.

Accordingly, this petition allowed.

Crl.P.No.16800 of 2016:

In view of the orders passed in Crl.P.M.P.No.18950 of 2016, this petition is allowed. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

22.12.2016
Nvl

