

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.P.No.6953 of 2016

ORDER

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The present criminal petition under Section 482 Cr.P.C., is filed seeking to quash the order dated 19.02.2016 passed in Crl.M.P.No.42 of 2016 in C.A.No.8 of 2014 on the file of XI Additional District and Sessions Judge, Tenali, Guntur District.

2. Heard and perused the material on record.

3. The petitioner/accused was convicted for the offence punishable under Section 366-A IPC and sentenced to undergo rigorous imprisonment for a period of six years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for a period of two months vide judgment dated 09.01.2014 in S.C.No.202 of 2013 on the file of Principal Assistant Sessions Judge, Tenali. Aggrieved by the same, the petitioner filed C.A.No.8 of 2014. During the pendency of the said appeal, the petitioner filed the impugned application along with the affidavits and a joint memo stating that the matter has been compromised at the instance of the elders and that the petitioner and the victim got married and are living happily and they were blessed with two children and therefore, permit them to compound the offence. By the order impugned the said application was dismissed by the appellate Court. Hence, this criminal petition.

4. In the order impugned, the Court below observed that the trial Court as well as the appellate Court has no jurisdiction to permit the parties to compound the offence

which is non-compoundable and dismissed the said application. Therefore, this Court is of the view that the appellate Court has rightly dismissed the said application since it has no jurisdiction to compound the offence in a non-compoundable offence and there is no need to interfere with by this Court. However, the petitioner is at liberty to approach the appropriate forum in accordance with law.

Accordingly, the Criminal Petition is disposed of. Miscellaneous Petitions, if any, pending in this petition shall stand closed.

JUSTICE RAJA ELANGO

29th April, 2016

sj