

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION Nos.16283 AND 16284 OF 2014

COMMON ORDER:

Both the criminal petitions are arising out of the same incident, and as such, both the criminal petitions are disposed of by common order.

The Criminal Petitions are filed under Section 482 of the Code of Criminal Procedure (Cr.P.C) by the respective *de facto* complainants seeking permission to compromise the matter with the accused in both the criminal petitions, who are appellants in criminal appeal Nos.165 and 174 of 2011 on the file of the

V Additional District and Sessions Judge, Rayachoty, Kadapa District.

Heard and perused the material available on record.

The accused in both the criminal petitions are convicted by the Court of the Additional Judicial Magistrate of First Class, Rayachoty, in C.C.Nos.292 and 293 of 2005, for the offences under Sections 147, 148, 324, 326 read with Section 149 IPC. Aggrieved over the same, they filed the criminal appeal Nos.165 and 174 of 2011 on the file of the V Additional District and Sessions Judge, Rayachoty, Kadapa District, which are pending adjudication. During pendency of the criminal appeals, both the parties in both the criminal appeals entered into compromise and as such, they filed miscellaneous petitions seeking to permit them to compound the offences and acquit them in view of the said compromise. The lower appellate Court referred the matter to the Lok Adalat and that the Lok Adalat communicated the lower appellate Court that the offences are non-compoundable and as such, the same cannot be compounded.

In criminal petition No.16283 of 2014, CrI.P.M.P.Nos.3267 and 3268 of 2015 are filed seeking permission to compound the offences; and CrI.P.M.P.Nos.1135 and 1136 of 2016 are filed seeking to permit the petitioners therein to appear on behalf of other petitioners mentioned in the said miscellaneous petitions as General Power of Attorney holders to compound the offence and to compromise the matter.

In criminal petition No.16284 of 2014, CrI.P.M.P.Nos.3269 and 3270 of 2015 are filed seeking permission to compound the offences; and CrI.P.M.P.Nos.1131, 1132, 1133 and 1134 of 2016 are filed seeking to permit the petitioners therein to appear on behalf of other petitioners mentioned in the said miscellaneous petitions as General Power of Attorney holders to compound the offence and to compromise the matter.

Learned counsel for the petitioners in both the criminal petitions submits that though the offences registered against the accused are non-compoundable, the Court has the power to permit the parties to enter into compromise, as per the decision of the Supreme Court in **Gian Singh v State of Punjab (2012 Cri.L.J.4934)**.

This Court, relying on the said Judgment of the Hon'ble Supreme Court, is of the view that though the offences are non-compoundable, it may be permitted to compound the offences. Hence, in view of the compromise entered into between the parties, the parties are directed to file fresh application before the lower appellate Court along with copy of this Order and on such filing, the lower appellate Court is directed to allow the Criminal Appeals by recording the compromise entered into between the parties, and acquit the accused from the charges levelled against them.

The petitioners and the accused are directed to pay Rs.10,000/- (Rupees ten thousand only) as costs to the Andhra Pradesh State Legal Services Authority. The Registry is directed to issue order copy only on production of the receipt of payment issued by the Andhra Pradesh State Legal Services Authority.

The Criminal Petitions are accordingly disposed of. Miscellaneous petitions, pending in both the criminal petitions are allowed.

JUSTICE RAJA ELANGO

17.02.2016

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