

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

Crl.P.M.P.Nos.8784 & 8785 of 2016

and

Criminal Petition No.7932 of 2016

COMMON ORDER:

The criminal petition is filed under Section 482 Cr.P.C. to quash the F.I.R. No.164 of 2011 on the file of Thorrur Police Station, Thorrur, Warangal Rural District, for the offences punishable under sections 324 and 34 I.P.C. and Section 3(1)(x) of S.Cs. & S.Ts. (PoA) Act.

2. The averments in the complaint filed by the respondent No.2 are that respondent No.2 is a 1st ward member of the Khanapur Village, and that he informed Md.Rafi, Field Assistant to pour the clay in his agricultural land under the employment guarantee scheme, but he did not do so. On 02-07-2011 at about 7.00 PM the said Field Assistant appeared to him at Panchayat Office, then he questioned him, and on that he scolded by abusing in the caste name why the same shall be poured and also replied that the Sarpanch's husband instructed him not to pour. In this regard, while he and the said Field Assistant were quarreling, Sarpanch's husband Mithinti Venkateswarlu and his followers came and abused him in the caste name and asked him why everything has to be stated to him and picked his hair and pushed him to the wall and kicked him, then he left the place.

3. Today, when the matter came up for hearing, the second respondent/de facto complainant and the petitioners/accused are present and are identified by their respective counsel. The de facto-complainant filed a petition to compound the offence and petitioners/accused filed a petition to quash the F.I.R. They also produced the xerox copies of their Identity Cards. 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.

4. 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.”

5. 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 petitions are allowed and compromise is recorded.

6. Accordingly, the Crl.M.P.Nos.8784 and 8785 of 2016 and the Criminal Petition are allowed and the proceedings in F.I.R. No.164 of 2011 on the file of Thorrur Police Station, Thorrur, Warangal Rural District, are quashed against the petitioners/accused. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M.S.K.JAISWAL,J

10th June, 2016

skmr

^[1] 2015 (1) ALD (Crl.) 240 (Supreme Court)

^[2] (2012) 10 SCC 303