

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRL.P.M.P. No.7880 OF 2016
IN/AND
CRIMINAL PETITION No.8322 OF 2014

COMMON ORDER:

CrI.P.M.P.No.7880 of 2016 is filed under Section 320 (6) of Criminal Procedure Code,1973 (for short, 'Cr.P.C.') seeking permission to compound the offence punishable under Section 307 read with 34 of Indian Penal Code, 1860 in Cr.No.212 of 2013 of Charminar Police Station, Hyderabad, registered against the petitioner.

Both the parties are present in person and they are identified by their respective counsel and they unanimously stated that they entered into compromise being the business partners and stating that due to misunderstanding the complaint was lodged against the petitioner by the de facto complainant.

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 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

¹ (2012) 10 SCC 303

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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.

The offence punishable under Section 307 IPC is not compoundable, with or without permission of the court. 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 petitioners to compound the offences.

Accordingly, permission is accorded in CrI.P.M.P. No.7880 of 2016 as sought for.

In view of the order passed in CrI.P.M.P.No.7880 of 2016, criminal petition is allowed. No costs.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 03.11.2016
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