

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.M.P.Nos.3555 & 3556 OF 2016

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CRIMINAL PETITION No.3291 OF 2016

ORDER:

The above Criminal Petition is filed by the petitioners-accused Nos.1 to 4 under Section 482 Cr.P.C., seeking to quash the proceedings against them in C.C.No.963 of 2014 on the file of the XVII Additional Chief Metropolitan Magistrate, Hyderabad.

The petitioners are alleged to have committed the offences punishable under Sections 337, 338, 285 IPC and Section 9(B) (1)(b) of the Explosives Act, 1884 and Section 14(1) of the Child Labour (Prohibition and Regulation) Act, 1986.

Earlier, when this matter was listed, it was represented that the parties entered into compromise. On such representation, this Court directed that the injured persons shall appear before this Court. Today, the injured persons along with their parents appeared before this Court. The 2nd respondent-de facto complainant and the parents of the injured persons submitted that due to intervention of elders, they entered into compromise and the compensation was given to the injured and therefore, the proceedings in the above C.C. may be quashed. The 2nd respondent-de facto complainant filed an affidavit to that effect. Both the parties filed a joint memo of compromise also.

The allegations against the petitioners are that while the injured persons were working under a contractor and while they were cleaning the scrap with small hammer, some explosive substance type material was blasted with big sound and therefore, the injured sustained injuries. The material on record goes to show that the petitioners are not having any such explosive material with them.

Even though the offences alleged against the petitioners are not compoundable in nature, but in the above circumstances and in view of the compromise arrived at between the parties and in view of the fact that the compensation was given to the injured, the continuation of the proceedings against the petitioners-accused Nos.1 to 4 would be the exercise in futility.

In a case of this nature, the Courts would be justified in invoking its inherent jurisdiction, and the technicalities should not be allowed to stand in the way of Courts' power to quash the criminal proceedings even in the case of non-compoundable offences.

In the above circumstances and in view of the compromise, this Court feels that it is just and proper to quash the proceedings against the petitioners herein. Hence, the above Crl.M.Ps are ordered, and the proceedings against the petitioners-A1 to A4 in C.C.No.963 of 2014 on the file of the XVII Additional Chief Metropolitan Magistrate, Hyderabad, are quashed. The petitioners are directed to pay together a sum of Rs.5,000/- (Rupees Five Thousand only) towards costs to the Telangana State Legal Services Authority, Hyderabad. The Registry is directed to issue a copy of this order to the parties concerned after furnishing receipt of payment of costs.

Accordingly, the above Crl.M.Ps are ordered and the Criminal Petition is allowed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 21.03.2016
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Dated 21st March, 2016.

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