

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.MP.Nos.19296 and 19297 of 2016

In/and

Crl.P.No.17140 of 2016

COMMON ORDER:

The main Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') to quash the proceedings in SSC No.3 of 2016 on the file of Special Judge, for trial of offences under SCs and STs (POA) Act-cum-VII Additional Sessions Judge, Warangal, registered for the offences punishable under Sections 441, 506, 3 (1) (v) and 3 (1) (x) of SCs and STs (POA) Act.

2. Crl.P.MP.Nos.19296 and 19297 of 2016 are filed to permit the petitioner to compound the aforesaid offences and to record the compromise entered by the parties and to quash the proceedings in the aforesaid SSC.

3. The offence allegedly committed by the petitioner is that the petitioner abused the complainant by his caste name. Since the offences stated in the complaint are not compoundable, the parties entered into compromise due to intervention of elders and the same was reduced into writing and consented by both the counsel. Even if the trial is continued, the chances of supporting the prosecution case by witnesses are bleak and such trial would end in futility.

4. Though the offences stated above are not compoundable offences, but in view of the Judgment in *Gian Singh v. State of Punjab and another*¹, wherein the Full Bench of Apex Court held that the power of the High Court in quashing a criminal proceeding or F.I.R. or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal Court for compounding the offences. It further held that the exercise of power to quash the criminal proceedings or complaint or FIR, where the parties have settled their

¹ (2012) 10 SCC 303

dispute, would depend on the facts and circumstances of each case. Before exercising the power under Section 482 Cr.P.C., the High Court must have due regard to the nature and gravity of the crime. It further held that heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc., could not be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and 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.

5. In view of the settlement entered into by the parties and in view of the leave granted by this Court would not have any impact on the society, I deem it appropriate to grant leave to the petitioner to compound the offences.

6. Accordingly, Crl.P.MP.Nos.19296 and 19297 of 2016 are allowed. In view of the orders passed in the aforesaid petitions, the proceedings in SSC No.3 of 2016 on the file of Special Judge, for trial of offences under SCs and STs (POA) Act-cum-VII Additional Sessions Judge, Warangal, registered for the offences punishable under Sections 441, 506, 3 (1) (v) and 3 (1) (x) of SCs and STs (POA) Act, are quashed. Accordingly, Crl.P.No.17140 of 2016 is allowed.

Miscellaneous Petitions, if any, pending in this Petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

December 28, 2016.
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THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



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Dt.28.12.2016

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