

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

CrI.P.M.P.Nos.15337 and 15338 of 2016
and/in
Criminal Petition No.13588 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the proceedings in S.C.No.246 of 2013 on the file of V Additional Metropolitan Sessions Judge, Hyderabad.

2. Today, when the matter came up for hearing, respondent No.1- *de facto* complainant and the petitioners/accused are present and are identified by their respective counsel. They filed petitions seeking permission of this Court to compound the offences alleged against them and to quash proceedings in S.C.No.246 of 2013.

3. It is represented that due to the disputes, the parties, who are related to each other, filed cases and counter cases and the same were settled with the intervention of elders. It is further stated that the couple, who is responsible for the entire incident have compromised the issue and decided to live together and therefore, they are seeking to close the proceedings in the said S.C.

4. In *Yogendra Yadav v. 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

¹ 2015 (1) ALD (CrI.) 240 (SC)

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*² the criminal miscellaneous petitions are allowed and compromise is recorded.

6. Accordingly, Crl.M.P.Nos.15337 and 15338 of 2016 and the Criminal Petition are allowed and the proceedings in S.C.No.246 of 2013 on the file of V Additional Metropolitan Sessions Judge, Hyderabad, are quashed against the petitioners/ accused.

6. The miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M.S.K.JAISWAL,J

Date:15.09.2016
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² (2012) 10 SCC 303