

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.MP.Nos.17134 AND 17135 OF 2016

AND

Crl.P.No.15140 OF 2016

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 S.C.No.45 of 2012 on the file of I Additional District and Sessions Judge, Chittoor, registered for the offences punishable under Sections 324 and 506 read with 34 I.P.C. and Section 3 (1) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Crl.P.MP.No.17134 of 2016 is filed under Section 320 (6) Cr.P.C. to permit the petitioner to compound the aforesaid offences, whereas Crl.P.MP.No.17135 of 2016 is filed to record the compromise between the parties and to quash the proceedings in the aforesaid S.C.

3. Both the parties are present in person and they are identified by their respective counsel.

4. The offence punishable under Section 506 I.P.C. is compoundable, whereas the offences punishable under Section 324 I.P.C. and Section 3 (1) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are non-compoundable offences, but in **Gian Singh v. State of Punjab and**

another¹, the Full Bench of the Honourable Supreme Court laid down certain guidelines for recording compromise, wherein it was 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 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.

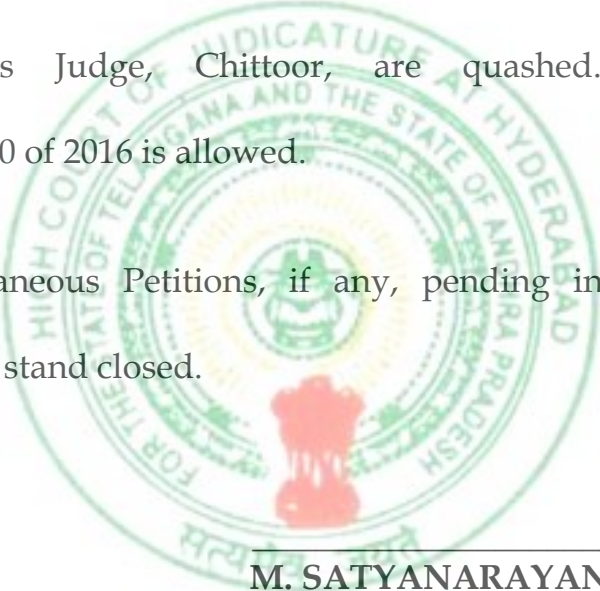
5. Since the petitioners and respondent No.2 have compromised the matter at the intervention of elders and submitted that the dispute between them is entirely personal in nature and

¹ (2012) 10 SCC 303

they want to lead life amicably, being the residents of same Village, to maintain harmony and brotherhood among them in the Village, in view of the principle laid down in the aforesaid judgment, I find that it is a fit case to permit the petitioners and respondent No.2 to compound the offences.

6. Accordingly, Crl.P.MP.Nos.17134 and 17135 of 2016 are allowed. In view of the orders passed in the aforesaid petitions, the proceedings in S.C.No.45 of 2012 on the file of I Additional District and Sessions Judge, Chittoor, are quashed. Accordingly, Crl.P.No.15140 of 2016 is allowed.

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



M. SATYANARAYANA MURTHY, J

October 25, 2016.
MD

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



CrI.P.MP.Nos.17134 AND 17135 OF 2016
AND
CrI.P.No.15140 OF 2016

October 25, 2016

MD