

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.P.M.P.Nos.19155 And 19156 of 2016

IN/AND

Crl.P.No.17007 of 2016

COMMON ORDER:

Crl.MP.Nos 19155 & 19156 of 2016 are filed under Sections 320 (2) & 320 (6) of Criminal Procedure Code (for short "Cr.P.C.") seeking permission to compound the proceedings and to compound the proceedings in C.C.No.916 of 2015 on the file of XXIII Additional Metropolitan Magistrate, Rajender Nagar, Ranga Reddy District.

The respondent-defacto complainant is represented by General Power of Attorney holder, who appeared in person before this Court and filed a copy of G.P.A. is placed on record, it shows that the defacto complainant authorized her representative and the petitioner appeared in person and they are identified by their respective counsel, produced photo copies of aadhar cards in proof of their identity. When they enquired, they stated that they reduced the terms of compromise in terms of joint memorandum and accepted that it is voluntary and filed joint memorandum of compromise before this Court and accepted that compromise is only interest of both parties and voluntary, so as to enable them to live in future settling their lives. In view of the same, I deem it proper to grant permission to compound the offence.

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

¹ (2012) 10 SCC 303

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 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.

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 petitioner to compound the offence.

Accordingly, both petitions are allowed.

Crl.P.No.17007 of 2016:

In view of the orders passed in Crl.P.M.P.Nos 19155 and 19156 of 2016, this petition is allowed. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

21.12.2016
Nvl

