

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRL.R.C.M.P.No.4768 OF 2016

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CRIMINAL REVISION CASE No.130 OF 2016

ORDER:

1 This Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. challenging the judgment dated 13.01.2016 passed in Criminal Appeal No.205 of 2015 on the file of the Court of the III Additional District & Sessions Judge, Guntur, wherein and whereby the conviction and sentence imposed on the petitioner by the learned V Additional Junior Civil Judge, Guntur, vide judgment dated 27.04.2015 passed in C.C.No.464 of 2013 to undergo rigorous imprisonment for a period of two years and also to pay fine of Rs.1,000/-, in default, to suffer simple imprisonment for six months for the offence punishable under Section 498-A of IPC was confirmed.

2 The petitioner and the de-facto complainant are present. Sri K.Srinivas learned counsel identified the petitioner/accused. Sri K. Ravisankar Babu, learned counsel identified the de-facto complainant in the open court.

3 Both parties submitted that they settled the matter outside the Court at the advice of elders and requested the Court to record the compromise and acquit the petitioner.

4 In **Shiji alias Pappu v Radhika**¹, the Supreme Court held as under:

“It is manifest that simply because an offence is not compoundable under Section 320 CrPC is by itself no reason for the High Court to refuse exercise of its power under Section 482 CrPC. That power can in our opinion be exercised in cases where there is no chance of recording a conviction against the accused and the entire exercise of a trial is destined to be an exercise in futility. There is a subtle distinction between compounding of offences by the parties before the trial court or in appeal on the one hand and the exercise of

¹ (2011) 10 SCC 705

power by the High Court to quash the prosecution under Section 482 CrPC on the other. While a court trying an accused or hearing an appeal against conviction, may not be competent to permit compounding of an offence based on a settlement arrived at between the parties in cases where the offences are not compoundable under Section 320, the High Court may quash the prosecution even in cases where the offences with which the accused stand charged are non-compoundable. The inherent powers of the High Court under Section 482 CrPC are not for that purpose controlled by Section 320 CrPC.”

5 In **Gian Singh v State of Punjab**², the apex Court observed as under:

“..... In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

6 Having regard to the facts and circumstances of the case and also in view of the principle enunciated in the cases cited supra, CrI.R.C.M.P.No.4768 of 2016 is ordered and the Criminal Revision Case is allowed setting aside the conviction and sentence imposed on the petitioner by the learned V Additional Junior Civil Judge, Guntur, vide judgment in C.C.No.464 of 2013 as confirmed by the learned III Additional District & Sessions Judge, Guntur in Criminal Appeal No.205 of 2015 and the petitioner is acquitted of the offence punishable under Section 498-A of IPC. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed.

T.SUNIL CHOWDARY, J

Date: 02.12.2016
Kvsn

² (2012) 10 SCC 303