

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRL.P.M.P.Nos.17912 & 17913 of 2016

in/and

CRL.P.No.15831 of 2016

COMMON ORDER :

Crl.P.M.P.Nos.17912 and 17913 of 2016 are filed under Section 320 of Criminal Procedure Code (for short, 'Cr.P.C.') seeking permission to compound the offences punishable under Sections 417, 420 and 506 read with 109 IPC and Section 3(1)(r)(w) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and also to record compromise, respectively.

Both the parties are present in person and they are identified by their respective counsel and they unanimously stated that they entered into compromise in view of the intervention of village elders to restore peace in the village.

On the other hand, learned Public Prosecutor contended that a memo is filed for alteration of charge from Section 420 IPC to Section 376 IPC and still the memo is pending and the Court below did not pass any order as on today.

The petitioners allegedly committed the offences punishable under Sections 417, 420 and 506 read with 109 IPC, but not an offence punishable under Section 376 IPC. Though some of the offences are non-compoundable, in "*Gian Singh v. State of Punjab and Anr.*"¹ the Apex Court held that depending upon the facts and

¹ (2012) 10 SCC 303

circumstances of each case, the High Court can exercise its inherent power under 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 and to maintain peace in the village and marry a person of their choice and also keeping in view of the restoration of peace in the village, I find that it is a fit case to permit the petitioners to compound the offences.

Accordingly, permission is accorded as sought for and both the petitions are allowed.

Crl.P.No.15831 of 2016:

In view of the order passed in Crl.P.M.P.Nos.17912 and 17913 of 2016, this petition is allowed. No costs.

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

M. SATYANARAYANA MURTHY, J

10th November 2016

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