

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.M.P.Nos.3364 & 3365 OF 2016

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Criminal Petition No.3136 of 2016

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ORDER:

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The above Criminal Petition is filed by the petitioners-A-1 and A-2 under Section 482 Cr.P.C., seeking to quash the proceedings against them in SC ST S.C.No.85 of 2015 on the file of Special Judge for SC ST Cases-cum-VI Additional District and Sessions Judge, Kurnool, arising out of PRC.No.98 of 2015 on the file of Judicial Magistrate of First Class, Kurnool in Crime No.308 of 2014 of Kurnool II Town Police Station.

The petitioners are alleged to have committed the offences punishable under Sections 417, 493, 323, read with Section 34 IPC and Sections 3 (1) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

When this matter has taken up for hearing, the petitioners and the 1st respondent, who appeared before this Court, submitted through their Counsel that due to intervention of elders, they entered into compromise and therefore, the proceedings in the above C.C. may be quashed. The 1st respondent filed an affidavit to that effect. Both the parties filed a joint memo of compromise also. It is submitted that the petitioners have filed an application before the Court below seeking for compounding the above offences, but the Court below dismissed the same by observing that the offences are non-compoundable.

In view of the compromise arrived at between the parties, the continuation of the proceedings against the petitioners-A-1 and A-2 would be the exercise in futility. In a case of this nature, the Courts would be justified in invoking its inherent jurisdiction, and the technicalities should not be allowed to stand in the way of Courts'

power to quash the criminal proceedings even in the case of non-compoundable offences.

In the above circumstances and in view of the compromise, this Court feels that it is just and proper to quash the proceedings against the petitioners herein. Hence, the above Crl.M.Ps are ordered, and the proceedings against the petitioners-A1 and A-2 in SC ST S.C.No.85 of 2015 on the file of the Special Judge for SC ST Cases-cum-VI Additional District and Sessions Judge, Kurnool, are quashed. The petitioners/accused are directed to pay Rs.3,000/- (Rupees Three Thousand only) towards costs and the 1st respondent-de facto complainant is also directed to pay Rs.3,000/- (Rupees Three Thousand only) towards costs, on or before 28.03.2016 to the Andhra Pradesh State Legal Services Authority, Hyderabad. The Registry is directed to issue a copy of this order to the parties concerned after furnishing receipt of payment of costs.

Accordingly, the above Crl.M.Ps are ordered and the Criminal Petition is allowed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 14.03.2016

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