

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CrI.P.M.P.NO.16962 of 2016 IN/AND CrI.P.No.12809 of 2016,
CrI.P.M.P.NO.16938 of 2016 IN/AND CrI.P.No.13928 of 2016
and
CrI.P.M.P.NO.17333 of 2016 IN/AND CrI.P.No.15310 of 2016

COMMON ORDER:

CrI.M.P.Nos.16962 of 2016, 16938 of 2016 and 17333 of 2016:

These petitions are filed under Section 320 of Criminal Procedure Code (for short "Cr.P.C.") seeking permission to compound the cases in Crime Nos.184 of 2016 and 185 of 2016 on the file of Hussaini Alam Police Station, Hyderabad, registered for the offences punishable under Sections 147, 448, 307 read with 149 of Indian Penal Code (for short "I.P.C.")

Even though the offence punishable under Sections 147, 448, 307 read with 149 of I.P.C. are not compoundable, parties entered into compromise due to intervention of elders and well-wishers and they also entered into memorandum of understanding in view of the amicable settlement.

All the petitioners and defacto complainant are present and they are identified by their respective counsels.

On enquiry the parties stated that they settled the issue outside the Court due to intervention of elders and well-wishers and they wanted to lead peaceful life.

This Court took an objection about the jurisdiction of this Court to permit the petitioners to compound the offence punishable under Section 307 of I.P.C.

Learned counsel for the petitioners relied on a judgment of

the Apex Court rendered in “**Yogendra Yadav and others v. State of Jharkhand and another**¹”, wherein the Apex Court has considered the powers of Court to grant permission to compound the offences though they are not compoundable while referring to the guidelines issued in “**Gian Singh v. State of Punjab and Anr.**”² and held in paragraph No.6 as follows:

“.....Affidavit has been filed in this Court by complainant-Anil Mandal, who is Respondent No. 2 herein. In the affidavit he has stated that a compromise petition has been filed in the lower court. It is further stated that he and the Appellants are neighbours, that there is harmonious relationship between the two sides and that they are living peacefully. He has further stated that he does not want to contest the present appeal and he has no grievance against the Appellants. Learned Counsel for the parties have confirmed that the disputes between the parties are settled; that parties are abiding by the compromise deed and living peacefully. They have urged that in the circumstances pending proceedings be quashed. State of Jharkhand has further filed an affidavit opposing the compromise. The affidavit does not persuade us to reject the prayer made by the Appellant and the second Respondent for quashing of the proceedings.”

In “**Gian Singh v. State of Punjab and Anr.**” (referred supra) the Apex Court held that depending upon the facts and 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

¹ 2015 (1) ALD (Crl.) 240 (SC)

² (2012) 10 SCC 303

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.

According to the principle laid down in the above judgments inherent power to quash the proceedings under Section 482 Cr.P.C. can be exercised keeping in mind the gravity of the crime and its social impact. Here, the parties who appeared before this Court admitted their intention to lead peaceful life. Moreover, parties to the crime are the residents of same village; due to intervention of elders and well-wishers and to maintain cordiality among the villagers they entered into compromise. Taking into consideration of the social impact of the crime, I find that it is a fit case to permit the petitioners to compound the offence.

Accordingly, permission is accorded to compound the offences allegedly registered against the petitioners.

Crl.P.Nos.12809, 13928 and 15310 of 2016:

In view of the order passed in Crl.P.M.P.Nos.16962, 16938 and 17333 of 2016, these petitions are allowed. No costs.

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

JUSTICE M. SATYANARAYANA MURTHY

Date:02.11.2016
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