

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRL.P.M.P. No.17473 OF 2016
IN/AND
CRIMINAL PETITION No.15429 OF 2016

COMMON ORDER:

CrI.P.M.P.No.17473 of 2016 is filed under Section 320(2) of Criminal Procedure Code,1973 (for short, 'Cr.P.C.') seeking permission to compound the offences punishable under Sections 498-A, 406 read with 34 of Indian Penal Code, 1860 and Sections 4 and 6 of Dowry Prohibition Act, 1961 in C.C. No.338 of 2010 pending before the XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

Both the parties are present in person and they are identified by their respective counsel and they unanimously stated that they entered into compromise out of court.

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 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

¹ (2012) 10 SCC 303

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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 petitioners to compound the offences.

Accordingly, permission is accorded in CrI.P.M.P. No.17473 of 2016 as sought for.

In view of the order passed in CrI.P.M.P.No.17473 of 2016, criminal petition is allowed. No costs.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 27.10.2016
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