

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY
CrI.P.M.P.NO.19358 of 2016 IN/AND CrI.P.No.17218 of 2016

ORDER:

CrI.M.P.No.19358 of 2016:

This petition is filed under Section 320 read with Section 482 of Criminal Procedure Code (for short "Cr.P.C.") seeking permission to quash the proceedings in C.C.No.762 of 2016 on the file of the Additional Judicial Magistrate of First Class, Tadepalligudem, West Godavari District, for the offence punishable under Section 498- A of Indian Penal Code (for short "I.P.C.") in view of the compromise entered between the petitioner and respondent No.2.

The petitioner and defacto complainant are present and they are identified by their respective counsels. Petitioner filed Photostat copy of his Aadhar card and respondent No.2 filed Photostat copy of her voter identity card.

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 and petitioner agreed to pay Rs.75,000/- towards full and final settlement of maintenance i.e. permanent alimony.

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

¹ (2012) 10 SCC 303

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 petitioner/husband and respondent/wife and the said settlement has no societal impact; I find that it is a fit case to permit the petitioner to compound the offences.

Accordingly, permission is accorded as sought for.

Crl.P.No.17218 of 2016:

In view of the order passed in Crl.P.M.P.No.19358 of 2016, this petition is allowed. No costs.

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

JUSTICE M. SATYANARAYANA MURTHY

29.12.2016
Ksp