

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.178 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioners/ Accused in C.C.No.68 of 2011 on the file of II Additional Judicial Magistrate of First Class, Tirupathi and to close the proceedings in C.A.No.193 of 2013 on the file of III Additional District and Sessions Judge, Tirupathi.

Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the material on record.

The petitioners herein are A-1 and A-2 in C.C.No.68 of 2014 and the said case was filed against the petitioners and another for the offences punishable under Sections 326, 324 and 323 read with Section 34 IPC with which they were charged. The learned II Additional Judicial Magistrate of First Class, Tirupathi, found the petitioners and another guilty of the alleged offences and convicted and sentenced them to undergo imprisonment imposed for the alleged offences. Against the said conviction and sentence by a judgment dated 26-06-2013, the petitioners preferred Criminal Appeal No.193 of 2013 before the III Additional District and Sessions Judge, Tirupathi and the same is pending. During the pendency of the appeal, the petitioners filed a joint compromise petition for compounding the alleged offences with which they were charged. But, the Appellate Court returned the said petition on the ground that the said petition is not maintainable, as the offence punishable under Section 326 IPC is non-compoundable in nature and that the compounding the offences is not permissible. Aggrieved by the same, the present criminal petition is filed.

The fact remains that the offence punishable under Section 326 IPC is non-compoundable in nature. In view of the recent decision of the Apex Court, when the parties intend to compound the offences, though the offences are non-compoundable, the compounding of offences can be allowed to meet the ends of justice.

Considering the facts and circumstances of the case and in view of the decisions of the Apex Court, this Court is of the view that ends of justice would be met, if the petitioners are allowed to compound the offences.

Therefore, the learned III Additional District and Sessions Judge, Tirupathi, is directed to receive the compromise petition filed by the petitioners/A-1 and A-2 for compounding the alleged offences and permit them to compound the offences in accordance with law.

Accordingly, the Criminal Petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 22-03-2016

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