

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.P.M.P.Nos.163 and 164 of 2017

IN/AND

CRIMINAL PETITION No.141 OF 2017

COMON ORDER:

The above Crl.P.M.Ps. are filed seeking leave of this court to record compromise by compounding the offences punishable under Sections 354, 354-A, 354-D read with 34 I.P.C. in P.R.C.No.38 of 2016 on the file of I Additional Judicial First Class Magistrate, at Jagtial, Karimnagar District.

Both parties present and they are identified by their respective counsel and they produced Aadar card in proof of their identity.

On enquiry, both parties stated that the matter is settled out side the court due to the intervention of elders. The complainant married and she has been residing somewhere and she entered into compromise only to lead peaceful life with her husband and it is voluntarily and in the interest of both parties.

Taking into consideration of the voluntary settlement and in the interest of both parties, I deem it appropriate to grant leave to the parties to compromise by compounding the above offences, keeping in view the law declared 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

¹ (2012) 10 SCC 303

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 parties, even if the matter is tried, chances of supporting the prosecution case are bleak, as such it would remain as futile exercise. Hence, I find that it is a fit case to permit the petitioner to compound the offences.

Accordingly, the above Crl.M.Ps. are allowed as sought for.

In view of the order passed in the above Crl.M.Ps., this Criminal Petition is allowed.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 5-1-2017.

Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dated 5-1-2017.

Dvs