

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

**CrI.P.MP.No.126 of 2017
in/and
CrI.P.No.106 of 2017**

ORDER:

CrI.P.No.106 of 2017 is filed by the petitioners/A.1 to A.3 under Section 482 Cr.P.C., to quash the proceedings in C.C.No.119 of 2015 on the file of XV Additional Chief Metropolitan Magistrate, Hyderabad, for the offences punishable under Sections 498-A and 506 of IPC and Sections 3 and 4 of Dowry Prohibition Act.

2. Now, this CrI.P.MP.No.126 of 2017 in CrI.P.No.106 of 2017 under Section 320 of Cr.P.C., is filed by the 2nd respondent – defacto complainant to record compromise in C.C.No.119 of 2015 in view of the compromise entered between the parties.

3. The defacto-complainant and the petitioners-A.1 to A.3 appeared in person before this Court and they are identified by their respective counsel, besides furnishing photostat copies of Adhar Card for their identification and voluntarily stated that they entered into compromise to settle the dispute.

4. On enquiry, both the parties stated that they entered into a compromise with the intervention of elders and well

wishers and the 2nd respondent – complainant agreed to withdraw the aforesaid C.C.No.119 of 2015.

5. In view of the same, it is a fit case to grant permission to compound the offence by following the principles laid down in *GIAN SINGH V. STATE OF PUNJAB AND ANR.*¹, wherein it was held as follows:

“..... the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under [Section 320](#) of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim’s family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like [Prevention of Corruption Act](#) or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile,

¹ (2012) 10 SCC 303

civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

6. Since the compounding of offence will have no societal impact and not under any special enactment, I find it appropriate to grant leave to compound the offence.

7. Accordingly, permission is accorded and Crl.P.MP.No.126 of 2017 is allowed.

8. In view of the order passed in Crl.P.MP.No.126 of 2017, Crl.P.No.106 of 2017 is allowed quashing the proceedings in C.C.No.119 of 2015 on the file of XV Additional Chief Metropolitan Magistrate, Hyderabad.

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

M. SATYANARAYANA MURTHY, J

06.01.2017.
Msr



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