

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRL.M.P.No.1056 of 2017

in/and

CRIMINAL PETITION No.1112 of 2017

COMMON ORDER:

Criminal Petition No.1112 of 2017 is filed under Section 482 Cr.P.C., seeking quashing of the proceedings in C.C.No.678 of 2016 on the file of the Judicial First Class Magistrate, Miryalaguda, Nalgonda District.

A charge sheet came to be filed against the petitioners for the offences punishable under Section 498(A) IPC and Section 4 of the Dowry Prohibition Act, 1961. Pending the said proceedings, petitioners filed Criminal Petition No.1112 of 2017, seeking quashing of the aforesaid C.C., on the ground of settlement has arrived at between the parties.

Along with Criminal Petition No.1112 of 2017, Crl.M.P.No.1056 of 2017 came to be filed for recording the compromise.

In the affidavit filed in support of the said application, it is stated that, at the instance of elders and well-wishers, the informant and the petitioners have compromised the matter and the informant is not interested in pursuing the matter. Today, when the matter is taken up for hearing, the informant and accused Nos.1 and 2 are present before the Court, whereas accused Nos.3 and 4 are not present, but accused No.2 has filed the power of attorney given to him by accused Nos.3 and 4.

The informant, who is present before the Court, is identified by her counsel Sri Reddy Venkata Ramana. The informant stated that she has settled the matter with the accused and is not interested in pursuing the matter.

In **Gian Singh v. State of Punjab and another**¹, the Apex Court held that 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, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family

¹ (2012) 10 SCC 303

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 proceedings.

In view of the above judgment and the statement of the informant that there was settlement between the parties, this Court is of the view that Crl.M.P.No.1056 of 2017 needs to be allowed. Accordingly, Crl.M.P.No.1056 of 2017 is allowed.

As a consequence, proceedings in C.C.No.678 of 2016 on the file of the Judicial First Class Magistrate, Miryalaguda, Nalgonda District, against the petitioners-accused are quashed.

Criminal Petition No.1112 of 2017 is allowed accordingly.

C. PRAVEEN KUMAR, J

February 9, 2017
MRR