

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.P.M.P. NOs.75 & 71 of 2017 IN/ AND Crl.P. No.67 of 2017

COMMON ORDER:

Crl.P.M.P. NOs.75 & 71 of 2017:

These petitions are filed under Section 320 of Criminal Procedure Code (for short "Cr.P.C.") seeking leave of this Court to compound the offences in C.C.No.1116 of 2014 on the file of the XVII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad registered for the offences under Sections 356 and 382 of I.P.C.

The offences allegedly committed by the petitioner/accused are under Sections 356 and 382 of IPC and they are not compoundable but when the parties entered into compromise due to intervention of elders, this Court can exercise power under Section 482 Cr.P.C.

The parties present in person and they are identified by their respective counsel, produced the photostat copies of adhar cards in proof of their identity. On enquiry, the petitioners and the respondents stated that the matter is compromised. The said compromise is voluntary and in the interest of both the parties. Even if the prosecution is allowed to continue, the chances of supporting the prosecution case are bleak and it would be a futile exercise.

Though some of the offences are not compoundable either with or without leave of the Court, this Court can exercise power under Section 320 Clause 6 of Cr.P.C. and permit the parties to compound, if such leave will have no social impact and in the interest of both parties.

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

¹ (2012) 10 SCC 303

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 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 principles laid down in the above judgment, since the settlement is in the interest of both parties, 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.67 of 2017:

In view of the orders passed in Crl.P.M.P. NOs.75 & 71 of 2017, this criminal petition is allowed quashing the proceedings against the petitioner in C.C.No.1116 of 2014 on the file of the XVII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.

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

JUSTICE M. SATYANARAYANA MURTHY

Date:04.01.2017
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