

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

Cr1.P.M.P.Nos.157 and 158 of 2017

IN/AND

CRIMINAL PETITION No.139 OF 2017

COMON ORDER.

The above Cr1.P.M.Ps. are filed under Section 320 (6) of Cr.P.C. seeking leave of this court to compound the offences punishable under Section 498-A of I.P.C. and Sections 3,4 and 6 of the Dowry Prohibition Act in C.C.No.3 of 2012 on the file of XIII Additional Chief Metropolitan Magistrate, (Mahila Court), Hyderabad.

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

On enquiry, both parties stated that 1st petitioner agreed to pay Rs.22,00,000/- (Rupees twenty two lakhs only) towards full and final settlement of claim of his wife and paid Rs.6,00,000/- (Rupees six lakhs only) on 28-12-2016 by way of Demand Draft and today, they paid another amount of Rs.6,00,000/- (Rupees six lakhs only) by way of Demand Draft while agreeing to pay the balance amount on the date of obtaining divorce by mutual consent from the competent court.

Taking into consideration of 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 of the principle laid down in "*GIAN SINGH V. STATE OF PUNJAB AND ANR*"¹ where 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 offences of mental

¹ (2012) 10 SCC 303

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 and as there is no possibility of supporting the prosecution as such, it is only a futile exercise. Hence, I find that it is a fit case to permit the petitioners 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