

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. No.1161 OF 2017

IN/AND

CRIMINAL PETITION No.1210 OF 2017

COMMON ORDR:

The present Criminal Petition is filed by the accused viz., B. Tirupathaiah, under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings in S.C. No.63 of 2015 on the file of the Special Judge for trial of cases under the Scheduled Castes and the Scheduled Tribes Act - cum - VII Additional District Judge, Ranga Reddy District, arising out of First Information Report No.168 of 2008 of Shabad Police Station Ranga Reddy District, for the offence punishable under Section 3(i) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Criminal Petition M.P. No.1161 of 2017 is filed by the *de facto* complainant T. Bandaiah, who is respondent No.2 in the Criminal Petition, along with his affidavit and Joint Memo, dated 09.02.2017, signed and affirmed by both parties and their respective counsel, requesting to permit the parties to compromise the matter and to compound the alleged offence, and consequently to quash the proceedings against the petitioner stating that with the intervention of the elders and on account of the wisdom prevailing on the *de facto* complainant to have harmonious relationship with the petitioner, who

is a Government Servant, they settled the matter between them, outside the Court, in terms of the compromise.

3. The *de facto* complainant and the petitioner and also their counsel are present and the parties are identified by their respective counsel, Sri G. Shashidhar Reddy and Sri S. Ravi Kumar. The parties have also produced photostat copies of their respective “Aadhaar Cards” in proof of their identity and also attested on the case bundle.

4. On being asked, the *de facto* complainant and the petitioner report that they have resolved the disputes and differences between them with the intervention of the elders in terms of the compromise and to that effect they have also filed the Joint Memo, dated 09.02.2017, entered into between them and request the Court to record the compromise compounding the offence against the petitioner, and, consequently to quash the proceedings.

5. Since the offence alleged is non-compoundable, the parties moved the present criminal petition seeking to quash the proceedings as it is settled law that non-compoundable offences can also be compounded under Section 482 of the Code of Criminal Procedure, 1973, as held in **Gian Singh v. State of Punjab**¹.

6. Since both parties have affirmed the terms of the Joint Memo dated 09.02.2017 and request to record the compromise compounding the alleged offence against the petitioner and to quash

the proceedings against the petitioner, and, in view of the law laid down by the Hon'ble Supreme Court in **Gian Singh v. State of Punjab**², Criminal Petition M.P. No.1161 of 2017 is allowed recording the compromise between the parties in terms of the Joint Memo, dated 09.02.2017, and compounding the offences against the petitioner.

7. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against the petitioner in S.C. No.63 of 2015 on the file of the Special Judge for trial of cases under the Scheduled Castes and the Scheduled Tribes Act - cum - VII Additional District Judge, Ranga Reddy District. The Joint Memo, dated 09.02.2017, shall form part of the record.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

February 13, 2017.
PV

¹ 2012 (10) SCC 303

² 2012 (10) SCC 303