

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.P.M.P.Nos.18311 of 2016

&

18312 of 2016

IN/AND

CRIMINAL PETITION No.16155 OF 2016

COMON ORDER.

The Crl.P.M.Ps. are filed to permit the petitioner to compound the offences punishable under Sections 307 read with 34 IPC, 120(B) IPC and Section 7(1) of Criminal Amendment Act and also to compound the said offences with the respondent in terms of compromise in PRC No.4 of 2015 on the file of XII Additional Chief Metropolitan Magistrate, Hyderabad.

Those offences are not compoundable. But the parties themselves settled the matter out side the court and they agreed to withdraw the case and counter case in terms of compromise.

Parties present. Identified by their counsel, produced Photostat copies of Adhar card in proof of their identity. The injured witness L.W.2 died and copy of death certificate is produced as evidence of death. Though the offence can be compounded by Magistrate or Sessions Judge, this court while exercising power under Section 320 (6) of Cr.P.C. can permit the parties to compound.

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 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.

¹ (2012) 10 SCC 303

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 principle 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 petitioners to compound the offences as there are no chances to testify in favour of the prosecution cases, even if trial is completed, it will remain as a futile exercise.

Accordingly, the above CrI.M.Ps. are allowed as sought for.

In view of the order passed in the above CrI.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



Crl.P.M.P.Nos.18311 of 2016
&
18312 of 2016
IN/AND
CRIMINAL PETITION No.16155 OF 2016

Dated 5-1-2017.

Dvs