

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.P.M.P. NO.91 of 2017 IN/AND Crl.P. No.81 of 2017

COMMON ORDER:

Crl.P.M.P. NO.91 of 2017: This petition is filed under Section 320 r/w 482 of Criminal Procedure Code (for short "Cr.P.C.") seeking leave of this Court to record compromise and compound the offences under Sections 493 and 420 IPC and Section 3(i)(xii) of SC & ST(POA) Act.

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.

On enquiry both the parties stated that they entered into compromise due to intervention of elders and in terms of the settlement, the defacto complainant agreed to receive Rs.15 lakhs for settling the claims and it is voluntary. Today, the petitioners-accused in main petition handed over D.D. for Rs.8 lakhs dated 02.01.2017 drawn on City Bank bearing No.04884 and receipt of the said demand draft is acknowledged by the de facto complainant while acknowledging the receipt of Rs.7 lakhs on 31.12.2016.

Though the above offences are not compoundable either with or without leave of the Court, the Court by exercising power under Section 320(6) of Cr.P.C. can grant leave to compound the offence if it is voluntary and in the interest of both parties and without any social impact.

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. 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.81 of 2017:

In view of the orders passed in Crl.P.M.P. NO.91 of 2017, this criminal petition is allowed quashing the F.I.R. in Crime No.346 of 2015 of Dundigal Police Station, Ranga Reddy District against the petitioners 1 to 5.

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

JUSTICE M. SATYANARAYANA MURTHY

Date: 04.01.2017

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¹ (2012) 10 SCC 303

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