

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CrI.P.M.P.Nos.220 of 2017

&

221 of 2017

IN/AND

CRIMINAL PETITION No.17207 OF 2016

COMON ORDER:

The CrI.P.M.Ps. are filed to permit the petitioner and respondents to compound the offences punishable under 498-A, 420 IPC and Sections 3 and 4 of Dowry Prohibition Act and also to compound the said offences in terms of compromise in C.C.No.126 of 2013 on the file of I Additional Judicial First Class Magistrate, Warangal, Warangal District.

Both parties appeared in person and they are identified by their respective counsel. They produced aadar card in proof of their identity. On enquiry, they stated that due to intervention of elders, they settled all the matters and decided to obtain divorce by mutual consent by filing a petition under Section 13 (b) of the Hindu Marriage Act for settlement of claims. It is voluntary and in the interest of both parties.

Though the offences are not compoundable, it can be compounded with the permission of the court, or this Court by exercising power under Section 320(6) of Cr.P.C. can permit to compound.

Taking into consideration of the voluntary settlement of the parties due to intervention of elders which is in the interest of both parties, having no impact in the society, I deem it appropriate to grant leave to the parties to compound the offences, in view of law

laid down 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 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.

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.

¹ (2012) 10 SCC 303

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