

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. No.1370 OF 2017

IN/AND

CRIMINAL PETITION No.16465 OF 2014

COMMON ORDR:

The present Criminal Petition is filed by the accused viz.,
A. Nageswar Reddy, under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings in S.C. No.75 of 2013 on the file of VII Additional Sessions Judge - cum - Special Judge for trial of cases under the Scheduled Castes and the Scheduled Tribes Act, Mahabub Nagar, arising out of Crime No.61 of 2009 of Kondapur Police Station, Mahabub Nagar District, for the offences punishable under Section 3(i) (v) (ix) and (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and Section 506 of the Indian Penal Code, 1860 (IPC).

2. Criminal Petition M.P. No.1370 of 2017 is filed by the *de facto* complainant Balagar Hussain Madiga, who is respondent No.2 in the Criminal Petition, along with his affidavit and Joint Compromise Memo, signed and affirmed by both parties and their respective counsel, requesting to permit the parties to compromise the matter and to compound the offence alleged, and consequently to quash the proceedings against the petitioner stating that they amicably 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 P. Raghavender Reddy and Sri Chatla Madhu. 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 amicably 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 Compromise Memo, 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 under Section 3(i) (v) (ix) and (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, 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.

¹ 2012 (10) SCC 303

6. Since both parties have affirmed the terms of the Joint Compromise Memo and request to record the compromise compounding the offences alleged 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**¹, Criminal Petition M.P. No.1370 of 2017 is allowed recording the compromise between the parties in terms of the Joint Compromise Memo, 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.75 of 2013 on the file of VII Additional Sessions Judge - cum - Special Judge for trial of cases under the Scheduled Castes and the Scheduled Tribes Act, Mahabub Nagar. The Joint Compromise Memo 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 20, 2017.
PV