

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CrI.P.M.P.Nos.21 and 22 of 2017

IN/AND

CRIMINAL PETITION No.18 OF 2017

COMON ORDER.

The above CrI.P.M.Ps. are filed seeking leave of this court to record the compromise by compounding the offences punishable under Sections 147, 324 read with 149 I.P.C. and Sections 3 (1) (X) of the Scheduled Castes and the Scheduled Tribes (POA) Act, 1989 in P.R.C.No.3 of 2014 on the file of Additional Judicial Magistrate of First Class, Ananthapuramu.

Both parties appeared in person and they are identified by their respective counsel. They produced photostat copy of aadar card in proof of their identity.

On enquiry, both parties stated that there are cases and counter cases between them and both parties wanted to withdraw the cases and settled the matter to live amicably and peacefully in the village and it is voluntary.

Though the offences are not compoundable, it can be compounded with the permission of the court exercising power under Section 320 (6) of Cr.P.C.

Taking into consideration of the voluntary settlement is in the interest of both parties, I deem it appropriate to grant leave to the parties to compound the offences in view of the law declared in *GIAN SINGH V. STATE OF PUNJAB AND ANR*¹, where the Apex Court held that depending upon the facts and circumstances of each

¹ (2012) 10 SCC 303

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 petitioner to compound the offences.

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

In view of the order passed in the above Crl.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.21 and 22 of 2017
IN/AND
CRIMINAL PETITION No.18 OF 2017

Dated 5-1-2017.

Dvs