

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CrI.P.M.P.Nos.160 and 161 of 2017

IN/AND

CRIMINAL PETITION No.140 OF 2017

COMON ORDER.

The above CrI.P.M.Ps. are filed seeking leave of this court to record the compromise by granting leave to compound the offences punishable under Sections 406 and 420 read with 34 I.P.C. in C.C.No.160 of 2014 on the file of XVII Additional Chief Metropolitan Magistrate, Hyderabad.

Both parties present and they are identified by their respective counsel and they produced Aadhar card in proof of their identity.

On enquiry, both parties stated that petitioner No.1 and respondent No.2 have compromised the matter in C.C.No.160 of 2014 on the file of the Metropolitan Magistrate Court, Hyderabad by entering into a separate Memorandum of understanding dated 14-12-2016 on the terms specifically agreed therein and hence, the 2nd respondent does not want to prosecute the above said C.C.No.160 of 2014 pending on the above said learned Metropolitan Magistrate, Hyderabad and it is voluntarily and in the interest of justice.

Taking into consideration of the voluntary settlement and in the interest of both parties, I deem it appropriate to grant leave to the parties to compromise by compounding the above offences, keeping in view 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 case, the High Court can exercise its inherent

¹ (2012) 10 SCC 303

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, even if tried, chances of supporting the case of prosecution are bleak. Hence, 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



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Dated 5-1-2017.

Dvs