

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRL.P.MP NO.702 OF 2017
IN/AND
CRIMINAL PETITION No.741 OF 2017

COMMON ORDER:

Cr.P.M.P.No.702 of 2017 is filed Section 482 of Cr.P.C. to quash the proceedings by way of compounding the offence in S.C.No. 92 of 2015 on the file of the Special Sessions Judge for Trial of Cases under SC & ST (POA) Act, 1989-cum-VII Additional District and Sessions Judge, Ranga Reddy District at L.B. Nagar, registered against the petitioners/A-1 to A-5.

2. The criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in S.C.No. 92 of 2015 on the file of the Special Sessions Judge for Trial of Cases under SC & ST (POA) Act, 1989-cum-VII Additional District and Sessions Judge, Ranga Reddy District at L.B. Nagar, registered against the petitioners/A-1 to A-5.

3. The offences alleged against the petitioners/A-1 to A-5 are punishable under Sections 417, 420, 494 of IPC, and Section 3(1)(x) of SC & ST (POA) Act, 1989.

4. The affidavits of the petitioners/A-1 to A-5 and the de facto complainant are filed along with joint memo stating that the marriage of A-1 and the de facto complainant was love marriage taken place in the year 2011 and due to some differences, the present case has arisen on the complaint of the wife and even other proceedings have been pending for grant of divorce

instituted initially by the wife and later jointly requesting for divorce on mutual consent in O.P.No.966 of 2016 on the file of the IV Additional District and Sessions Judge, Ranga Reddy. The de facto complainant would submit that the terms mentioned in the joint memo are true and correct and affirms the contents of the joint memo.

5. Both, the petitioners/A-1 to A-5 and the de facto complainant/respondent No.2 viz., Smt. Vaddemoni Swarnarekha as well as Sri P.Vishnuvardhan Reddy, learned counsel for the petitioner and Sri G.V.L Murthy, learned counsel for the respondent No.2 are present and the parties are identified by their respective counsel. The parties have produced photostat copies of their "Aadhaar Cards" in proof of their identity.

6. The memo filed by the parties contains signatures of both parties and their respective counsel and they affirm the contents of the joint memo and request to record the compromise.

7. In *Yogendra Yadav and others v. the State of Jharkhand*¹ the Supreme Court, in the matter of compromise of a non-compoundable offence, held asunder:

"The question before this Court is whether this Court can compound the offences under Sections 326 and 307 of the IPC, which are non-compoundable. Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (*Gian Singh v. State of Punjab* {(2012) 10 SCC 303}). However, in a

¹ 2015 (1) ALD (Crl.) 240 (Supreme Court)

given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings depending on facts and circumstances of each case. Offences, which involve moral turpitude, grave offences like rape, murder etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.”

8. Having regard to the above submission and considering the fact that the parties have amicably settled the disputes among themselves out of Court and no useful purpose will be served even if the parties are driven to the trial as they compromised, and following the decision reported in *Gian Singh v. State of Punjab and another*² the criminal miscellaneous petition is allowed and compromise is recorded, and consequently, the proceedings in SC.No. 92 of 2015 on the file of the Special Sessions Judge for Trial of

² (2012) 10 SCC 303

Cases under SC & ST(POA) Act,1989-cum-VII Additional District and Sessions Judge, Ranga Reddy District at LB. Nagar, registered against the petitioners/A-1 to A-5 are hereby quashed.

The Crl.P.MP.No.702 of 2017 and Crl.P.No.741 of 2017 are accordingly allowed.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKARNARAYANA, J

Date:01.02.2017
ccm



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