

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.MP.No.2639 of 2017

In/AND

Crl.P.No.13047 of 2013

COMMON ORDER:

Criminal Petition No.13047 of 2013 is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') to quash the proceedings in C.C.No.52 of 2013 on the file of Judicial First Magistrate at Yellandu, Khammam District, registered for the offences under Sections 498-A, 506 r/w 34 IPC and Sections 3 and 4 of DP Act.

2. Crl.P.MP.No.2639 of 2017 is filed to permit the petitioner to compound the offence and accordingly, quash the proceedings in the aforesaid CC, in view of the compromise entered into between the petitioner and respondents.

3. Both the parties are present in person and they are identified by their respective counsel and they produced their identity cards i.e., Aadhar Cards. They submitted that they settled the dispute out of the Court at the intervention of elders. They further stated that an amount of Rs.7,00,000/- was transferred to the account of respondent No.2/*de facto* complainant and the same was accepted by the learned counsel for *de facto* complainant basing on the representation of the *de facto* complainant.

4. The offences under Section 498-A and Sections 3 and 4 of DP Act are non-compoundable offence, but in **Gian Singh v. State of Punjab and another**¹, the Full Bench of the Honourable Apex Court laid down certain guidelines for recording compromise,

¹ (2012) 10 SCC 303

wherein it was held that the power of the High Court in quashing a criminal proceeding or F.I.R. or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal Court for compounding the offences. It further held that the exercise of power to quash the criminal proceedings or complaint or FIR, where the parties have settled their dispute, would depend on the facts and circumstances of each case. Before exercising the power under Section 482 Cr.P.C., the High Court must have due regard to the nature and gravity of the crime. It further held that heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc., could not be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are 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.

5. By applying the principle laid down in the aforesaid judgment to the facts of the present case, since the petitioners and respondent No.2/*de facto* complainant have compromised the matter at the intervention of elders and well wishers so as to live peacefully at least in future part of life, I find that it is a fit case to permit them to compound the offence as it will have no effect on the society.

6. Accordingly, Crl.P.MP.No.2639 of 2017 is allowed.

7. In view of the orders passed in Crl.M.P.No.2639 of 2017, the proceedings in C.C.No.52 of 2013 on the file of Judicial First Class Magistrate at Yellanadu, Khammam District, are quashed. Accordingly, Crl.P.No.13047 of 2013 is allowed.

Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

April 10, 2017.
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THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



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Dt.10.04.2017

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