

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

**Crl.P.MP.No.198 of 2017
in/and
Crl.P.No.180 of 2017**

ORDER:

Crl.P.No.180 of 2017 is filed by the petitioner/Accused under Section 482 Cr.P.C., to quash the proceedings in C.C.No.197 of 2016 on the file of I Additional Judicial First Class Magistrate, Tadepalligudem, West Godavari District, for the offences punishable under Sections 384 and 506 of IPC.

2. Now, this Crl.P.MP.No.198 of 2017 in Crl.P.No.180 of 2017 under Section 320 of Cr.P.C., is filed by the 1st respondent – defacto complainant to permit him to compound the offence with the petitioner/Accused by allowing the above Criminal Petition filed by the petitioner against C.C.No.197 of 2016.

3. The defacto-complainant and the petitioner-Accused appeared in person before this Court and they are identified by their respective counsel, besides furnishing photostat copies of Adhar Card for their identification and voluntarily stated that they entered into compromise to settle the dispute.

4. On enquiry, both the parties stated that they entered into a compromise with the intervention of elders and the promissory note was returned by the petitioner/Accused to

the defacto-complainant as he already discharged the debt. Therefore, nothing remains to be paid to the petitioner/Accused. As the matter is compromised, even if the matter is tried, it would be a futile attempt.

5. In view of the same, it is a fit case to grant permission to compound the offence by following the principles laid down in GIAN SINGH V. STATE OF PUNJAB AND ANR.¹, wherein it was held as follows:

“..... the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under [Section 320](#) of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot 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 the victim and offender in relation to the offences under special statutes like [Prevention of Corruption Act](#) or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving

¹ (2012) 10 SCC 303

such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

6. Since the compounding of offence will have no societal impact and not under any special enactment like Prevention of Corruption Act, I find it appropriate to grant leave to compound the offence as it relates to money transaction.

7. Accordingly, permission is accorded and Crl.P.MP.No.198 of 2017 is allowed.

8. In view of the order passed in Crl.P.MP.No.198 of 2017, Crl.P.No.180 of 2017 is allowed quashing the proceedings in

C.C.No.197 of 2016 on the file of I Additional Judicial First Class Magistrate, Tadepalligudem, West Godavari District.

9. The miscellaneous petitions pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

06.01.2017.
Msr



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