

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRL.P.MP NO.757 OF 2017

IN/AND

CRIMINAL PETITION No.644 OF 2017

COMMON ORDER:

Cr.P.M.P.No.757 of 2017 is filed under Section 320(2) r/w Section 482 of Cr.P.C. to record compromise by compounding the offence under Section 324 of IPC and Section 3 (r) (s) of SC and ST (POA) Amendment Act, 2015, registered against the petitioner/accused.

2. The criminal petition is filed under Section 482 Cr.P.C. to quash the F.I.R. No.173 of 2016 on the file of the Kadapa Taluk Police Station, Kadapa, Y.S.R. District, registered for the offences punishable under section 324 of IPC, Section 3 (r) (s) of SC and ST (POA) Amendment Act, 2015.

3. The affidavits of the petitioner/accused and the de facto complainant are filed along with joint memo stating that through the intervention of the elders, they wanted to live amicably settling all disputes between them. 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.

4. Both, the petitioner and respondent No.2 viz., Gaddi Nagaiah as well as Sri V.R. Reddy Kovvuri, learned counsel for the petitioners and Sri M.Jaya Rami Reddy, learned counsel for 2nd respondent 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.

5. 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.

6. 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 as under:

“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 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

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

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.”

7. 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, proceedings in F.I.R. No.173 of 2016 on the file of the Kadapa Taluk Police Station, Kadapa, Y.S.R. District are hereby quashed.

8. The Crl.P.MP.No.757 of 2017 and Crl.P.No.644 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

² (2012) 10 SCC 303

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA



CRL.P.MP NO.757 OF 2017
IN/ AND
CRIMINAL PETITION No.644 OF 2017

Date:01.02.2017

Ccm