

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.P.M.P. NOs.87 & 88 of 2017 IN/ AND Crl.P. No.80 of 2017

COMMON ORDER:

Crl.P.M.P. NOs.87 & 88 of 2017: These petitions are filed under Section 320 of Criminal Procedure Code (for short "Cr.P.C.") seeking leave of this Court to compound the offences in C.C.No.137 of 2016 on the file of the I Additional Judicial First Class Magistrate at Khammam registered for the offences under Sections 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act.

On enquiry both the parties stated that they entered into compromise due to intervention of elders and as per the terms of the compromise, the husband has to pay Rs.10 lakhs towards full and final settlement of the claims to his wife Bandarupalli Aruna-defacto complainant and accordingly he paid Rs.5 lakhs by now and receipt of the same is acknowledged by her and the husband agreed to pay the balance of Rs.5 lakhs on the date of granting of divorce in the petition filed under Section 13-b of the Hindu Marriage Act which is pending on the file of Judge, Family Court, Khammam in O.P.No.204 of 2016. The settlement is voluntary and in the interest of both the parties.

The parties present in person and they are identified by their respective counsel, produced the photostat copies of adhar cards in proof of their identity. On enquiry, the petitioners and the respondents stated that the matter is compromised. The said compromise is voluntary and in the interest of both the parties. Even if the prosecution is allowed to continue, the chances of supporting the prosecution case are bleak

and it would be a futile exercise.

Though the offence referred above i.e. under Section 498-A of I.P.C. it not compoundable, the Court may by exercising its power under Section 320(6) of Cr.P.C. can permit the parties to compound if the compromise is voluntary and in the interest of both parties without any social impact.

In “*Gian Singh v. State of Punjab and Anr.*”¹ the Apex Court held that depending upon the facts and circumstances of each case, the High Court can exercise its inherent 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 principles laid down in the above judgment, since the settlement is in the interest of both parties, I find that it is a fit case to permit the petitioner to compound the offences.

Accordingly, permission is accorded as sought for.

¹ (2012) 10 SCC 303

Crl.P. No.80 of 2017:

In view of the orders passed in Crl.P.M.P. NOs_Crl.P.M.P. NOs.87 & 88 of 2017, this criminal petition is allowed quashing the proceedings against the petitioners 1 to 7 in C.C.No.137 of 2016 on the file of the I Additional Judicial First Class Magistrate at Khammam.

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

JUSTICE M. SATYANARAYANA MURTHY

Date:04.01.2017
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