

**HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA**

**CRIMINAL PETITION M.P. No.753 OF 2017**

**IN/AND**

**CRIMINAL PETITION No.5278 OF 2016**

**COMMON ORDER:**

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the accused viz., Mallikarjun Reddy seeking to quash the proceedings in C.C. No.206 of 2012 on the file of Judicial Magistrate of First Class, Kodangal, Mahabubnagar District, arising out of First Information Report No.11 of 2012 of Kosgi Police Station, Mahabubnagar District, for the offence punishable under Section 304-A of the Indian Penal Code, 1860.

2. Compromise Petition in Criminal Petition M.P. No.753 of 2017 is filed by the *de facto* complainant Smt. Pedda Firangi Padmamma, who is respondent No.2 in the Criminal Petition, along with her affidavit and the Joint Memo, signed and affirmed by both parties and their respective counsel, requesting to permit the parties to compound the matter and consequently to quash the proceedings against the petitioner stating that with the intervention of the elders, they settled the matter between them, outside the Court, in terms of the compromise and that the *de facto* complainant has already received an amount of Rs.75,000/- by way of cheque along with her brother-in-law, and today Rs.30,000/- by way of demand draft from the petitioner.

3. The *de facto* complainant Smt. Pedda Firangi Padmamma and the petitioner as well as their counsel are present and the parties are identified by their respective counsel, Sri J. Prabhakar and Sri Kodati Ramya Krishna. Both parties have produced photostat copies of their respective “Aadhaar Cards” also in proof of their identity and also attested on the case bundle.

4. On being asked, the *de facto* complainant, wife of the deceased Pedda Firangi Pedda Kistaiah, who died due to electrocution, and the petitioner report that they have compromised the matter with the intervention of the elders by settling all the disputes and differences between them in terms of the compromise and to that effect they have also filed the Joint Memo and request the Court to record the compromise and to compound the offence, and, consequently to quash the proceedings against the petitioner.

5. Since the offence punishable under Section 304-A of IPC is non-compoundable, the parties moved the present criminal petition seeking to quash the proceedings along with the miscellaneous petition under Sections 320 of Cr.P.C. seeking to compound the offence, as it is a settled law that non-compoundable offences can also be compounded under Section 482 of the Code of Criminal Procedure, 1973, as held in **Gian Singh v. State of Punjab**<sup>1</sup>.

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<sup>1</sup> 2012 (10) SCC 303

6. Since both parties have affirmed the terms of the Joint Memo, requesting to permit them to compromise the matter and to compound the offence alleged against the petitioner, and in view of the decision of the Hon'ble Supreme Court in **Gian Singh<sup>1</sup>**, Criminal Petition M.P. No.753 of 2017 is allowed recording the compromise between the parties in terms of the Joint Memo, referred to above.

7. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against the petitioner in C.C. No.206 of 2012 on the file of Judicial Magistrate of First Class, Kodangal, Mahabubnagar District. The Joint Memo, referred to above, shall form part of the record.

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

**February 21, 2017.**  
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**A. SHANKAR NARAYANA, J**