

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. No.2649 OF 2017

AND

CRIMINAL PETITION M.P. No.2031 OF 2017

IN/AND

CRIMINAL PETITION No.13789 OF 2016

COMMON ORDR:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) by the sole accused viz., Darshan Kumar Goud, seeking to quash the proceedings in Crime No.365 of 2015 of Kothur Police Station, Mahaboobnagar District, for the offence punishable under Section 326 of the Indian Penal Code, 1860.

2. Criminal Petition M.P. No.2031 of 2017 is filed under Section 320(2) of Cr.P.C. by the *de facto* complainant Master R. Arun Kumar Reddy, who is respondent No.2 in the Criminal Petition, along with his affidavit and Joint Memo, dated 01.03.2017, signed and affirmed by both parties and identified by their respective counsel, requesting to permit the parties to compromise the matter and to compound the offence, and consequently to quash the proceedings against the petitioner by recording the compromise, stating that with the intervention of the village elders and well wishers, they have settled all the disputes and differences between them.

3. Criminal Petition M.P. No.2649 of 2017 is filed under Section 320(6) of Cr.P.C. by the father of the *de facto* complainant, as his natural guardian to permit him to enter into compromise with the petitioner on behalf of the *de facto* complainant.

4. The *de facto* complainant, represented by his father as his natural guardian viz., Nagi Reddy, their counsel, Sri Jalli Narender, the petitioner and his counsel Sri Hanmanthrao are present and the parties are identified by their respective counsel. The parties have also produced photostat copies of their respective “Aadhaar Cards” in proof of their identity and also attested on the case bundle.

5. On being asked, the *de facto* complainant, represented by his father, and the petitioner report that that they have compromised the matter with the intervention of the village elders and well-wishers by settling all the disputes and differences between them in terms of the aforesaid Joint Memo, entered into between them, and request the Court to record the compromise compounding the offences against the petitioner, and, consequently to quash the proceedings.

6. Since the offence punishable under Section 326 of IPC is non-compoundable, the parties moved the present criminal petition seeking to quash the proceedings as it is now well settled that non-compoundable offences can also be compounded under Section 482 of the Cr.P.C., as held in **Gian Singh v. State of Punjab**¹.

¹ 2012 (10) SCC 303

7. Since both parties have affirmed the terms of the aforesaid Joint Memo and request to record the compromise, compounding the offence alleged against the petitioner and to quash the proceedings against the petitioner, and since falls within the guidelines laid down by the Hon'ble Supreme Court in **Gian Singh**¹, Criminal Petition M.P. No.2649 of 2017 is allowed permitting the father of the *de facto* complainant to enter into compromise on behalf of the *de facto* complainant with the petitioner and Criminal Petition M.P. No.2031 of 2017 is allowed recording the compromise between the parties in terms of the aforesaid Joint Memo.

8. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against the petitioner in Crime No.365 of 2015 of Kothur Police Station, Mahaboobnagar District. The Joint Memo dated 01.03.2017 entered into between the parties, shall form part of the record.

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

March 14, 2017.
PV

A. SHANKAR NARAYANA, J