

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.P.M.P.Nos.12331 and 12332 OF 2017
IN/AND
CRIMINAL PETITION NO.11109 OF 2017

ORDER:

Crl.P.M.P.Nos.12331 and 12332 of 2017

These miscellaneous petitions are filed under Section 482 read with 320 (2) and (6) of Criminal Procedure Code (for short "Cr.P.C.") seeking leave to compromise the case and compound the offences punishable under Sections 403, 406, 417, 419, 420, 468 and 471 of Indian Penal Code (for short "I.P.C."), as the matter is settled outside the Court and they entered into compromise and filed joint memo to that effect.

Complainant and the petitioners/accused are also present, they are identified by their counsel and Public Prosecutor, produced Photostat copies of aadhar cards in proof of their identity. When the terms and conditions of compromise are explained in vernacular language, they are admitted to be true and correct.

On enquiry the parties stated that the suit filed with regard to same transaction was decreed in terms of compromise recorded by the Civil Court and now they entered into compromise on the basis of same terms and they intend to lead peaceful life.

Though the offences punishable under Sections 468 and 471 of I.P.C. are not compoundable either with leave or without leave of the Court still this Court can exercise power under Section 320 (6)

of Cr.P.C. to permit them to compound those offences, in case the Court insists to proceed with the trial, as there is every possibility of turning the witnesses hostile. Hence, to avoid the waste of Court time, as the matter settled outside the Court, to put quietus to the dispute, I find that it is a fit case to grant permission to compound the offence. Hence, compromise is recorded in terms of the joint memo filed along with the petition. Accordingly, the petitions are ordered.

CrI.P.No.11109 Of 2017

In view of the orders passed in CrI.P.M.P.Nos.12331 and 12332 of 2017, the present petition is allowed in terms of the joint compromise memo filed by both parties. No costs.

Registry is directed to annex a copy of the joint memo filed by both parties, to this order.

Consequently, miscellaneous applications pending if any, shall stand dismissed.

JUSTICE M. SATYANARAYANA MURTHY

04.12.2017
Ksp