

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Criminal Petition MP. No.19501 of 2016
In/And
CRIMINAL PETITION NO.17381 OF 2016

ORDER:

This criminal petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the Proceedings in Crime No.371 of 2016 on the file of the Station House Officer, Chatrinaka Police Station, Hyderabad District.

The offences allegedly committed by the petitioner are punishable under Section 493, 420, 417 of IPC and Sections 3(1)(XI) of SC/ST (POA) Act, 1989.

Both, petitioner and the de-facto complainant, are present in the Court today. They are identified by their respective counsel and they produced Photostat copies of their Aadhar cards to prove their identity. On enquiry, both, petitioner and de-facto complainant, stated that they entered into compromise voluntarily.

Even if the offences mentioned supra are permitted to be compounded, it will have no societal impact.

In "**GIAN SINGH Vs. 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

¹ (2012) 10 SCC 303

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 by the Supreme Court in the judgment referred supra, such permissions will not have any serious impact on the society.

As the matter is settled outside the Court, if the Trial is allowed to continue, chances of supporting the case of prosecution one bleak and it would be a futile attempt to continue the proceedings. Therefore, considering the facts and circumstances of the case and the terms of compromise, leave is granted to both the parties to enter into compromise by exercising power under Section 320(6) of Cr.P.C. Accordingly, Crl.P.MP. No.19501 of 2016 is allowed.

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In view of the order passed by this Court in Crl.P. MP. No.19501 of 2016 as to the terms of compromise, the proceedings in Crime No.371 of 2016, pending on the file of the Chatrinaka Police Station, Hyderabad are quashed.

In the result, the criminal petition is allowed.

Consequently, miscellaneous applications pending, if any,
shall also stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date: 02.01.2017
LSK

