

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

I.A.No.5 of 2018 in CrI.R.C.No.1902 of 2008

and

CrI.R.C.No.1902 of 2008

COMMON ORDER:

Sri L.Ravinder—Special Power of Attorney of the *defacto* complainant—Dr.K.V.P.Ramachandra Rao is present and identified by his counsel Sri K.Suresh Reddy.

Smt.J.Sujatha—Special Power of Attorney of the accused—Dr. Kodela Siva Prasada Rao is present and identified by her counsel Sri Posani Subba Rao.

2) The State of Andhra Pradesh represented by Public Prosecutor filed C.C.No.17 of 2005 against the accused before the Metropolitan Sessions Judge, Hyderabad for the offence under Section 500 IPC.

3) The brief allegations are that LW1—Dr.K.V.P.Ramachandra Rao, Advisor to Government (Public Affairs) appointed in the cadre of Cabinet Minister vide G.O.Ms.No.128 GA (Poll.C) Department is a public servant and the accused abused him in a press meet on 14.06.2005 and made several wild, defamatory and false imputations to harm the reputation of LW1. The case was made over to Special Judge for Economic Offences-cum-VII Additional Metropolitan Sessions Judge, Hyderabad before whom the accused filed CrI.M.P.No.856 of 2008 under Section 245 Cr.P.C. seeking to discharge from the case on several grounds. The said Court after

enquiry dismissed the petition holding that *defacto* complainant is a public servant within the meaning of Section 21 IPC and the Government have accorded sanction to file a complaint.

Aggrieved, the accused filed the instant Cr.R.C.

4) Pending the above CrI.R.C., both the parties have filed I.A.No.5 of 2008 under Section 320(2) Cr.P.C. enclosing the joint memo stating that *defacto* complainant and accused decided to compound the offence in C.C.No.17 of 2005, as the petitioner/accused never intended to insult or defame the *defacto* complainant and in view of long lapse of time both of them wanted to compromise the matter and hence, they may be permitted to compound the offence and consequently Cr.R.C.No.1902 of 2008 may be allowed and C.C.No.17 of 2005 may be closed.

5) Heard.

6) As can be seen, under Section 320(2) Cr.P.C. the offence under Section 500 IPC committed against those categories of persons mentioned in Column No.1 can be compounded by “*the person defamed*”. In that view of the matter, the submission of both the counsel is that though the complaint was filed by the Public Prosecutor following the procedure contemplated under Section 199(2) Cr.P.C., nevertheless the offence can be compounded by the *defacto* complainant (LW1) since Section 320(2) Cr.P.C. lays down that *the person defamed* can compound the offence and therefore, the

State represented by Public Prosecutor need not accord any sanction for compounding the offence.

7) This Court finds force in the aforesaid submission. Section 320(2) Cr.P.C. says that the offence under Section 500 IPC committed against the category of persons mentioned in Column No.1 can be compounded by “*the person defamed*”. The person defamed in its plain meaning refers to the victim or the person aggrieved i.e. the *defacto* complainant (LW1) in this case. Since the offence under Section 320 Cr.P.C. is compoundable offence and joint memo is filed by both the parties, permission can be accorded.

8) Accordingly, I.A.No.5 of 2018 is allowed and the parties are permitted to compound the offence. Consequently, CrI.R.C.No.1902 of 2008 is allowed and C.C.No.17 of 2005 on the file of Special Judge for Economic Offences-cum-VIII Additional Metropolitan Sessions Judge, Hyderabad is closed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 05.12.2018
Murthy