

HONOURABLE SRI JUSTICE N. BALAYOGI

I.A.Nos.4 AND 5 OF 2018

IN/AND

CRIMINAL REVISION CASE No. 2556 OF 2016

COMMON ORDER:

1. This Criminal Revision Case is filed against the judgment dated 30.05.2016 passed in Criminal Appeal No.174 of 2015 on the file of learned Special Judge for trial of Offences under SCs & STs (POA) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad, confirming the conviction and sentence made in the judgment dated 09.02.2015 passed in CC.No.31 of 2014 on the file of learned XI Special Magistrate, Hyderabad.

2. This Court by docket order dated 20.02.2018 suspended the execution of sentence of imprisonment while granting bail to the petitioner/accused on his executing personal bond for Rs.25,000/- with two sureties each for the like sum, subject to the condition of his depositing the compensation amount awarded against him by the trial Court within eight weeks from the date of order.

3. Now the first respondent/de facto complainant filed I.A.No.5 of 2018 seeking to permit him to compound the offence and record the compromise entered into with the petitioner/accused as they have amicably settled the disputes concerning the present crime. The petitioner/accused also filed

I.A.No.4 of 2018 seeking to compound the offence, record the compromise and quash proceedings in CC.No.31 of 2014.

4. The first respondent/*de facto* complainant and his counsel as well as petitioner/accused and his counsel are present.

5. Heard both sides and perused the record.

6. It is submitted by both the parties that at the intervention of the elders and well-wishers, the parties have amicably settled their disputes concerning the present crime and hence compromise may be recorded and criminal proceedings in the above crime may be quashed.

7. In *Yogendra Yadav and others v. the State of Jharkhand*¹ the Supreme Court, in the matter of compromise of a non-compoundable offence, held as under:

“The question before this Court is whether this Court can compound the offences under Sections 326 and 307 of the IPC, which are non-compoundable. Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (*Gian Singh v. State of Punjab* {(2012) 10 SCC 303}). However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably

¹ 2015 (1) ALD (Cr.) 240 (Supreme Court)

settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings depending on facts and circumstances of each case. Offences, which involve moral turpitude, grave offences like rape, murder etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.”

8. Having regard to the above decision of the Apex Court and considering the fact that the parties have amicably settled the disputes among themselves out of Court and no useful purpose will be served even if the parties are driven to argue the criminal revision case as they have compromised, and following the decision reported in *Gian Singh v. State of Punjab and another*², I.A.Nos. 4 and 5 of 2018 are allowed and compromise reached between the parties is recorded, and consequently, proceedings in CC.No.31 of 2014 on the file of learned XI Special Magistrate, Hyderabad, registered against the petitioner/accused are hereby quashed.

² (2012) 10 SCC 303

9. In the result, the petitions I.A.No. 1 and 2 of 2018 and Criminal Revision Case No. 2556 of 2016 are accordingly allowed while setting aside the conviction and sentence passed in the judgment dated 09.02.2015 passed in CC.No.31 of 2014 on the file of learned XI Sp[ecial Magistrate, Hyderabad, as also judgment dated 30.05.2016 passed in Criminal Appeal No. 174 of 2015 on the file of learned Special Judge for trial of Offences under SCs & STs (POA) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad, confirming conviction and sentence passed by the trial Court..

10. Miscellaneous petitions pending consideration if any in the Criminal Revision Case shall stand closed in consequence.



JUSTICE N. BALAYOGI

DATED 25th September, 2018.
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