

HONOURABLE SRI JUSTICE N. BALAYOGI

I.A.No.1 OF 2018

IN/AND

CRIMINAL REVISION CASE No. 526 OF 2016

COMMON ORDER:

1. This Criminal Revision Case is filed aggrieved by the judgment dated 08.02.2016 passed in Criminal Appeal No.48 of 2014 on the file of Special Judge for Trial of offences under SCs & STs (POA) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad confirming the conviction and sentence passed in CC.No. 164 of 2011 dated 10.01.2014 on the file of XII Special Magistrate, Hyderabad..

2. This Court while admitting the Criminal Revision Case granted interim suspension of execution of sentence alone imposed by the trial Court and enlarged the petitioner/Accused on bail, by order dated 10.02.2016 passed in Crl.R.C.MP.No. 710 of 2016 and the said interim order is in force as on today.

3. Now the first respondent/de facto complainant (petitioner in I.A.No.1 of 2018) filed I.A.No.1 of 2018 seeking to compound the offence and allow him to compromise with the petitioner/accused by setting aside the conviction and sentence imposed against the petitioner/accused which was confirmed by the lower appellate Court as they have amicably settled the disputes concerning the present crime.

4. The first respondent/*de facto* complainant and his counsel as well as petitioner/accused and his counsel are present in person. They also filed memorandum of compromise attesting their signatures.

5. Heard both sides and perused the record.

6. It is submitted by both the parties that pending adjudication of Criminal Revision Case, 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 CC may be quashed. In pursuance of compromise entered between them, as mutually agreed upon, the petitioner/accused will pay an amount of Rs.2,50,000/- to the first respondent/complainant towards the full and final settlement in respect of the proceedings pending adjudication in the present Criminal Revision Case. In terms of the compromise, both the parties (accused and complainant) confirm that it is a full and final settlement and after completion of above terms and conditions, no claim is remained against each other whatsoever in any manner and they shall not interfere in the personal life of each other. The memorandum of compromise so filed is taken on record.

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 that 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 face the adjudication as they compromised, and following the decision reported in *Gian Singh v. State of Punjab and another*², I.A.No. 1 of 2018 is allowed and compromise is recorded, and consequently, judgment dated 08.02.2016 passed in Criminal Appeal No.48 of 2014 on the file of learned Special Judge for Trial of offences under SCs & STs (POA) Act-cum-VI Additional

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

² (2012) 10 SCC 303

Metropolitan Sessions Judge, Secunderabad while confirming the conviction and sentence passed in CC.No. 164 of 2011 dated 10.01.2014 on the file of learned XII Special Magistrate, Hyderabad is hereby set aside and the petitioner/accused is acquitted.

9. I.A.No. 1 of 2018 and Criminal Revision Case No. 526 of 2016 are accordingly allowed.

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



JUSTICE N. BALAYOGI

DATED 11th October, 2018.
Msnrx