

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

I.A Nos.4 & 5 OF 2018
IN/AND
CRIMINAL PETITION NO.8281 OF 2018

ORDER:

I.A Nos.4 & 5 OF 2018

These miscellaneous petitions are filed seeking permission of this Court to record compromise and compound the offences in S.C.No.21 of 2017 on the file of Additional District & Sessions Judge-cum-SC/ST (POA) Act, Vizianagaram, for the offences punishable under Section 3(i)(r)(s)(w)(ii), 3(2)(va) of SC/ST POA Act and Sections 420,341,506 & 509 IPC.

The second respondent filed a complaint before the police. On the strength of the complaint, crime was registered and the police issued F.I.R. At the crime stage, both the parties entered into compromise, settled the claims against one another and decided not to proceed against one another, thereby, resolved the dispute amicably.

Both the petitioners and second respondent are present and they are identified by their respective counsels and produced Photostat copies of Aadhar cards to prove their identity.

When terms of compromise are explained in vernacular language, they are admitted to be true and correct. Further, it is now submitted that, both parties have voluntarily entered into compromise due to intervention of elders and well-wishers and they wanted to lead peaceful life in future.

In “**Gian Singh v. 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 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, since the settlement is in the interest of the petitioners and the first respondent and the said settlement has no societal impact, I find that it is a fit case to permit the petitioners to compound the offences. Accordingly, permission is accorded as sought for.

Hence, taking into consideration the facts of the case, leave is granted to compound the offence to maintain peace and harmony between the parties. Therefore, I find that the compromise is voluntary, in the interest of both parties and permission is granted to compound the offence. Hence,

¹ (2012) 10 SCC 303

compromise is recorded in terms of the joint memo filed along with these petitions. Accordingly, these petitions are ordered.

CrI.P.NO.8281 OF 2018

In view of the orders passed by this Court in I.A Nos.4 & 5 OF 2018, this petition is allowed and the proceedings in S.C.No.21 of 2017 on the file of Additional District & Sessions Judge-cum-SC/ST (POA) Act, Vizianagaram, are hereby quashed against the petitioners.

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

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

JUSTICE M. SATYANARAYANA MURTHY

Date:26.09.2018

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