

HONOURABLE SRI JUSTICE N. BALAYOGI

I.A.No.2 of 2018

in/and

CRIMINAL REVISION CASE No. 2151 OF 2018

COMMON ORDER:

1. This Criminal Revision Case is filed aggrieved by the judgment dated 05.05.2018 passed in CrI.R.P.No.65 of 2015 on the file of Special Judge for Trial of offences under SCs & STs (POA) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad, wherein and whereby the sentence of payment of fine amount Rs.12,50,150/- to the de facto complainant towards compensation in default to suffer SI for six months as recorded in CC.No.88 of 2012 dated 05.01.2015 on the file of learned XVI Special Magistrate, Hyderabad, is modified to the extent of payment of fine amount Rs.15,00,000/- in default to suffer simple imprisonment for six months.

2. This Court by docket order dated 9.8.2018 while admitting the Criminal Revision Case directed the learned Counsel for the petitioner/accused to take out personal notice to the first respondent/defacto complainant.

3. Now the first respondent/de facto complainant (petitioner in I.A.No.2 of 2018) filed I.A.No.2 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 by the trial Court which

was modified 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 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.

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,

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

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. The memorandum of compromise so filed is taken on record.

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. 2 of 2018 is allowed and compromise is recorded. Consequently, The order dated 05.05.2018 passed in Criminal R.P. No.65 of 2015 on the file of Special Judge for Trial of offences under SCs & STs (POA) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad and the conviction and sentence passed in CC.No.88 of 2012 dated 05.01.2015 on the file of XVI Special Magistrate, Hyderabad are hereby set aside.

² (2012) 10 SCC 303

9. I.A.No. 2 of 2018 and Criminal Revision Case No. 2151 of 2018 are accordingly allowed. The petitioner/accused is acquitted.

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

