

HONOURABLE SRI JUSTICE N. BALAYOGI

I.A.Nos.1 AND 2 OF 2018

IN/AND

CRIMINAL PETITION No. 9251 OF 2013

COMMON ORDER:

1. Criminal Petition No.9251 of 2013 under Section 482 Cr.P.C. is filed by Accused No.1 seeking to quash the proceedings in C.C.No.1862 of 2013 pending adjudication on the file of learned IX Metropolitan Magistrate, Kukatpally, at Cyberabad for the offences punishable under Sections 420,406,506 and 120-B IPC.

2. This Court while ordering notice to the respondents vide order dated 2.9.2013 granted interim stay of all further proceedings in C.C.No.1862 of 2013 on the file of learned IX Metropolitan Magistrate, Kukatpally and the said interim order is in force as on today.

3. Basing on the complaint lodged by the 2<sup>nd</sup> respondent/*de facto* complainant, a case in Crime No. 186 of 2010 was registered against the petitioner/accused on the file of Station House Officer, Police Station, Kukatpally Housing Board, RR District, and the police after investigating the crime filed charge sheet, which was taken on file by the trial Court in CC.No.1862 of 2013.

4. Now the second respondent/de facto complainant filed I.A.No.2 of 2018 seeking to permit him to compromise with the petitioner/accused as they have amicably settled the disputes concerning the present crime. He also filed I.A.No.1 of 2018 seeking to compound the offences for quashing the charge sheet in CC.No.1862 of 2013 pending adjudication on the file of learned IX Metropolitan Magistrate, Kukatpally, Hyderabad.

5. The 2<sup>nd</sup> respondent/de facto complainant and his counsel as well as petitioner/accused and his counsel are present.

6. Heard both sides and perused the record.

7. It is submitted by both the parties that at the stage of trial of the above crime, 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.

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

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<sup>1</sup> 2015 (1) ALD (Cr.) 240 (Supreme Court)

“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 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.”

9. 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 trial as they compromised, and following the decision reported in

*Gian Singh v. State of Punjab and another*<sup>2</sup>, I.A.Nos. 1 and 2 of 2018 are allowed and compromise is recorded, and consequently, proceedings in CC.No. 1862 of 2013 on the file of learned IX Metropolitan Magistrate, Kukaktpally, Cyberabad, registered against the petitioner/accused are hereby quashed.

10. The petitions I.A.No. 1 and 2 of 2018 and Criminal Petition No. 9151 of 2013 are accordingly allowed.

11. Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence.



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**JUSTICE N. BALAYOGI**

DATED 27<sup>th</sup> February, 2018.  
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<sup>2</sup> (2012) 10 SCC 303