

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

I.A. Nos.2 AND 3 OF 2018

IN/AND

CRIMINAL PETITION No.11021 OF 2018

COMMON ORDER:

The main Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code'), is filed by the petitioner – accused viz., Sanikommu Krishna Reddy, to quash the proceedings against him in Crime/FIR No.85 of 2018, dated 29.06.2018, on the file of Narsaraopet I Town Police Station, Guntur District, Andhra Pradesh State, registered for the offences punishable under Sections 323, 506, 417 and 420 of the Indian Penal Code, 1860 (for short 'IPC') and Section 3 (1) (r) and 3 (2) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (for short 'Act, 2015').

2. The petitioner herein is accused in the aforesaid Crime, and respondent No.1 is the *de facto* complainant. Both parties entered into compromise and filed I.A. No.2 of 2018 to permit them to enter into compromise and I.A. No.3 of 2018 to compound the offences by recording the compromise.

3. The petitioner - accused and respondent No.1 - *de facto* complainant are present and they are identified by their respective counsel, and produced Photostat copies of Aadhar Cards in proof of their identity. When the terms and conditions of compromise are explained in vernacular language, they admitted to be true and correct.

4. On enquiry, the parties stated that they entered into compromise with the intervention of elders and well-wishers to lead peaceful life, and that the compromise is voluntary.

5. Except the offence punishable under Act, 2015, other offences are bailable offences, and the bar under Section 18 of the Act, 2015 will not come in the way when the parties entered into compromise.

6. As seen from the allegations made in the complaint, though they constitute an offence punishable under Act, 2015, as the parties entered into compromise voluntarily, even if the investigation is taken up, chance of conviction is weak and, therefore, to avoid unnecessary waste of time to the Courts and parties, besides expenditure to the parties, I deem it appropriate to permit the parties to enter into compromise and to compound the offences by exercising power under Section 482 of the Code and also by applying principles laid down in **Gian Singh v. State of Punjab**¹. Hence, compromise is recorded in terms of joint memo filed along with the petition.

7. Accordingly, I.A. Nos.2 and 3 of 2018 are allowed. Consequently, the present Criminal Petition is also allowed quashing the proceedings against accused in Crime/FIR No.85 of 2018, dated 29.06.2018, on the file of Narsaraopet I Town Police Station, Guntur District, Andhra Pradesh State.

¹ (2012) 10 SCC 303

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

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition, stand closed.

M. SATYANARAYANA MURTHY, J

October 12, 2018

Mgr

