

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

I.A.Nos.1 and 2 of 2018
IN/AND
CRIMINAL PETITION NO.12191 OF 2017

ORDER:

I.A.Nos.1 and 2

These miscellaneous petitions are filed under Section 320 (6) Cr.P.C seeking leave to compound the offence punishable under Sections 420 and 409 read with 34 of Indian Penal Code (for short "I.P.C.") as the matter is settled outside the Court and they entered into compromise and filed joint memo along with the compromise petition.

Defacto complainant and the petitioners/accused are also present and they are identified by their counsel and Public Prosecutor, produced Photostat copies of aadhar cards in proof of their identity. Defacto complainant admitted that the accused paid entire amount to him. When terms of compromise are explained in vernacular language, they are admitted to be true and correct.

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

¹ (2012) 10 SCC 303

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 principle laid down in the above judgment, and as the offence committed by the petitioners/accused is not against the society, permission is granted to compound the offence. Hence, compromise is recorded in terms of the joint memo filed along with this petition. Accordingly, these petitions are ordered.

Crl.P.No.12191 OF 2017

In view of the orders passed in I.A.Nos.1 and 2 of 2018, the present criminal petition case is allowed in terms of the joint compromise memo. No costs.

Registry is directed to annex a copy of the joint memo to this order.

Consequently, miscellaneous applications pending if any, shall stand dismissed.

JUSTICE M. SATYANARAYANA MURTHY

12.06.2018
Ksp