

HONOURABLE SRI JUSTICE N. BALAYOGI

I.A.No.1 OF 2018

IN/AND

CRIMINAL REVISION CASE No. 3303 OF 2017

COMMON ORDER:

1. This Criminal Revision Case is filed by the petitioner/accused aggrieved by the judgment dated 27.10.2017 passed in CrI.A.No.48 of 2015 on the file of learned III Additional Sessions Judge, Karimnagar, confirming the conviction and sentence passed in the judgment dated 01.05.2015 in CC.No.11 of 2013 on the file of learned Special Magistrate, Karimnagar for the offence punishable under Section 138 NI Act.

2. This Court while admitting the Criminal Revision Case on 22.01.2018 granted interim suspension of execution of sentence of fine awarded in the form of compensation on the condition of the petitioner depositing half of the compensation within three months from the date of order.

3. Now the first respondent/complainant filed I.A.No.1 of 2018 seeking to permit him to compromise with the petitioner/accused as they have amicably settled the disputes concerning the present crime. In the accompanying affidavit, it is stated that the first respondent/accused (petitioner in I.A.No.1 of 2018) had paid the total amount due to him and there is nothing to be paid by the accused. He therefore sought in the present petition to compound the offence and allow the Criminal Revision

Case by quashing the conviction and sentence passed in the judgment dated 01.05.2015 in CC.No.11 of 2013 on the file of learned Special Magistrate, Karimangar which was confirmed in the judgment dated 27.10.2017 passed in Crl.A.No.48 of 2015 on the file of learned III Additional Sessions Judge, Karimnagar.

4. The first respondent/*de facto* complainant and his counsel as well as petitioner/accused and his counsel are present.

5. Heard both sides and perused the record.

6. It is submitted by both the parties that 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*¹ the Supreme Court, in the matter of compromise of a non-compoundable offence, held as under:

“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

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

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 advance the arguments in the present Criminal Revision Case, and following the decision reported in *Gian Singh v. State of Punjab and another*², I.A.No. 1 of 2018 is allowed and compromise is recorded, and consequently, the Criminal Revision Case is

² (2012) 10 SCC 303

allowed while setting aside the conviction and sentence passed in the judgment dated 01.05.2015 in CC.No.11 of 2013 on the file of learned Special Magistrate, Karimangar which was confirmed in the judgment dated 27.10.2017 passed in Crl.A.No.48 of 2015 on the file of learned III Additional Sessions Judge, Karimnagar and the petitioner/accused stands acquitted of the offence under Section 138 of Negotiable Instruments Act.

10. The petition in I.A.No.1 of 2018 and Criminal Revision Case are accordingly allowed.

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



JUSTICE N. BALAYOGI

DATED 18th September, 2018.
Msnr