HONOURABLE SRI JUSTICE SANJAY KUMAR

CRIMINAL PETITION No.1633 OF 2019

ORDER:

1 This Criminal Petition was filed by the accused in Crime No.292 of 2019 on the file of Rajendranagar Police station, Cyberabad, which was registered under Sections 354-A, 354-D and 506 IPC, on the strength of the complaint lodged by the second respondent/*de-facto* complainant. By way of this petition, the accused seeks quashing of the proceedings in the said crime.

2 Perusal of the complaint of the second respondent reflects that the accused and she worked together at the airport and she alleged that the accused started harassing her mentally, physically and sexually.

3 While so, when this case was taken up for hearing on 22.3.2019, Sri C.Vijaya Sekhar Reddy, learned counsel for the petitioner/accused, informed this Court that the complainant had already withdrawn the complaint which led to the registration of the subject crime. Thereupon, the learned Assistant Public Prosecutor, State of Telangana, was asked to get instructions in this regard.

4 Today, the 2nd respondent/complainant is herself present in person before this Court along with the accused. Both of them produced their Aadhar Cards in proof of their identity. The second respondent / complainant stated in unequivocal terms that she withdraws all the allegations levelled by her against the accused in the complaint and that she no longer wants to continue with these proceedings.

5 Though the offences under Sections 354-A and 354-D IPC would not be compoundable under Section 320 CrPC, and only the offence under Section 506 IPC is amenable to compounding thereunder, the inherent

powers of this Court under Section 482 CrPC can be exercised in a case of this nature so as to give a quietus to the issue and allow the parties to get on with their lives. In this regard reference may be made to the observations made in GIAN SINGH V/s. STATE OF PUNJAB[1], wherein the Supreme Court held in Para No.61 as under:

> '61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (*i*) to secure the ends of justice, or (*ii*) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.'

6 In the light of the aforestated settled legal position, this Court sees no purpose in wasting the State's resources upon the investigation of the subject crime and prosecuting the petitioner / accused in relation thereto.

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[1] (2012) 10 SCC 303 : (2013) 1 SCC (Cri) 160

7 The Criminal Petition is accordingly allowed quashing the proceedings in Crime No.292 of 2019 on the file of Rajendranagar Police station, Cyberabad. In consequence, I.A.No.1 of 2019 shall stand closed.

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JUSTICE SANJAY KUMAR

April 25, 2019.
Kvsn

HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD