

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

I.A.NOS.3 AND 4 OF 2019 IN CRIMINAL PETITION NO.2305 OF
2019 AND CRIMINAL PETITION NO.2305 OF 2019

COMMON ORDER

CrI.P.No.2305 of 2019 was filed under Section 482 CrPC by the sole accused in C.C.No.3023 of 2013 on the file of the learned II Additional Junior Civil Judge-cum-XIX Metropolitan Magistrate, Cyberabad Courts, Kukatpally at Miyapur, Ranga Reddy District, to quash the proceedings therein. The aforestated Calendar Case arose out of a private complaint filed under Section 200 CrPC alleging commission of offences under Sections 415, 420, 468, 471, 506, 408 IPC read with Section 120B IPC.

While so, it appears that the legal heirs of the complainant, who died thereafter, seem to have entered into a settlement with the accused and in consequence, the widow of the complainant filed affidavit dated 22.04.2019 in support of I.A.No.3 of 2019, wherein she stated that the disputes between the parties were settled upon the intervention of elders and well-wishers, resulting in Memorandum of Compromise dated 22.04.2019. She therefore stated that she was no longer interested in continuing with these proceedings and sought leave to permit compounding of the alleged offences and quashing of the proceedings in the pending case.

I.A.No.4 of 2019 was filed separately seeking the same relief and the affidavit filed in support thereof was deposed to by C.Sumana, the daughter of the complainant, reiterating what was stated by her mother in the affidavit filed in support of I.A.No.3 of 2019.

Perusal of the Memorandum of Compromise dated 22.04.2019 reflects that the parties settled their *inter se* disputes in relation to certain extents of land amicably.

The legal representatives of the deceased complainant, namely, respondents 3, 4 and 5, are present in person and produced their Aadhaar cards in proof of their identity. The Executive Director of the accused company, Sri Gokaraju Subba Raju, is present in person and produced his Aadhaar card in proof of his identity.

Though some of the offences alleged against the petitioner company are not compoundable under Section 320 CrPC, namely, offences relatable to Sections 415, 468 and 471 IPC, it may be noted that the inherent power vesting in this Court under Section 482 CrPC is not fettered by the constraints in Section 320 CrPC. This Court would be entitled to exercise such inherent power and effect a compromise even in relation to offences which are ordinarily not compoundable, if it would bring a quietus to the issue and doing so would not be contrary to public interest. This view gains support from the observations of the Supreme Court in *GLAN SINGH V/ s. STATE OF PUNJAB*¹, which are extracted hereunder:

'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

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

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-dominantly 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.'

In the light of the aforestated settled legal position and as the parties to C.C.No.3023 of 2013 on the file of the learned II Additional Junior Civil Judge-cum-XIX Metropolitan Magistrate, Cyberabad Courts, Kukatpally at Miyapur, Ranga Reddy District, have already settled their *inter se* disputes, this Court sees no purpose served in wasting the State's resources in prosecuting the subject case.

I.A.Nos.3 and 4 of 2019 are accordingly ordered. In consequence, CrI.P.No.2305 of 2019 is allowed quashing the proceedings in C.C.No.3023 of 2013 on the file of the learned II Additional Junior Civil Judge-cum-XIX Metropolitan Magistrate, Cyberabad Courts, Kukatpally at Miyapur, Ranga Reddy District. I.A.No.1 of 2019 shall stand closed.

25th APRIL, 2019

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SANJAY KUMAR, J

