

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

I.A.NOS.2 AND 3 OF 2019 IN CRIMINAL PETITION NO.2578 OF
2019 AND CRIMINAL PETITION NO.2578 OF 2019

COMMON ORDER

CrI.P.No.2578 of 2019 was filed under Section 482 CrPC by A1 and A2 in Crime No.30 of 2019 on the file of Balapur Police Station, Rachakonda Commissionerate, to quash the proceedings therein. The said crime was registered under Sections 447, 324 and 506 IPC read with Section 34 IPC on the strength of the complaint made by the second respondent herein.

While so, it appears that the parties have settled their disputes and in consequence, I.A.Nos.2 and 3 of 2019 were filed in this criminal petition to permit recording of the compromise by compounding the offences and to quash the proceedings in the pending crime.

The second respondent/de facto complainant is present in person along with the third respondent victim, his driver. They produced their Aadhaar cards in proof of their identity. Both of them stated in open Court that they have no objection to the compromise being recorded so as to compound the offences and close the pending crime. A1 and A2 are also present in person and produced their Aadhaar cards in proof of their identity

A joint affidavit was filed in support of I.A.No.3 of 2019 by the second respondent/de facto complainant and the driver, the third respondent. Therein, they stated that due to intervention of elders and well-wishers, the matter was settled amicably and a Memorandum of Settlement was executed on 28.04.2019. They further stated that in view of this settlement, they did not want to proceed with the case. Perusal of

the Memorandum of Settlement demonstrates that as the accused and the second respondent/de facto complainant were relatives and had settled the issue with the intervention of elders and well-wishers, they did not want to proceed further.

Offences under Section 447 and 506 IPC would be compoundable under Section 320 CrPC. However, the same is not the case with an offence under Section 324 IPC. That being said, inherent powers vesting in this Court under Section 482 CrPC can be exercised even in relation to such cases so as to bring a quietus to the issue. Reference in this regard may be made to the observations of the Supreme Court in *GLAN SINGH V/ s. STATE OF PUNJAB*¹, which read 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

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

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 legal position and as the alleged offence under Section 324 IPC in the case on hand was perhaps due to the family dispute and would not amount to an offence against society, this Court is of the opinion that this is a fit case for exercise of inherent power under Section 482 CrPC so as to settle the disputes once and for all so as to let the parties go on with their lives.

I.A.Nos.2 and 3 of 2019 are accordingly ordered. In consequence, the criminal petition is allowed quashing the proceedings in Crime No.30 of 2019 on the file of Balapur Police Station, Rachakonda Commissionerate. I.A.No.1 of 2019, whereby the petitioners sought stay

of further proceedings in the crime, is rendered infructuous and is accordingly dismissed.

SANJAY KUMAR, J

1st MAY, 2019

Sv

