

**THE HON'BLE SRI JUSTICE K.C.BHANU**

**CRIMINAL PETITION NO. 11776 OF 2011**

**ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeking to quash the proceedings in crime no.146 of 2011 of Chirala II Town police station, Prakasam District registered for the offences punishable under Sections 308, 344, 347, 363, 364, 368, 506 read with 34 IPC.

2. The petitioners herein are accused and the second respondent herein is the complainant, in the above crime. Both the parties are present in the court. They are identified by their respective counsel. The complainant produced his Household card in proof of his identity. He stated that the parties settled the matter amicably at the instance of elders and he voluntarily agreed for compromise, and in view of the settlement, he prayed to quash the impugned proceedings. Some of the offences alleged are not compoundable. In *Gian Singh v. State of Punjab & another*,<sup>[1]</sup> it is held thus: (para 57)

"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 F.I.R 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 serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like 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 favour 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 criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put 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 wrongdoer and whether to secure the ends of justice, it is appropriate that 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.”

It is not a serious and heinous crime to refuse permission to compound the offence. In view of compromise, the chance of conviction is bleak and

remote. Therefore, in view of the compromise between the parties, continuation of the impugned proceedings is nothing but abuse of process of court and there is no impediment to quash the impugned proceedings.

3. The Criminal Petition is, accordingly, allowed quashing the impugned proceedings against the petitioners. Other Miscellaneous Petitions pending in the Criminal Petition are dismissed.

---

(K.C.BHANU,  
J.)

30.11.2012

DRK

**THE HON'BLE SRI JUSTICE K.C.BHANU**

**CRIMINAL PETITION NO. 11776 OF 2011**

-

-

**Date: 30.11.2012**

---

[\[1\]](#) 2012 (9) Scale 257