

IN THE HIGH COURT OF ANDHRA PRADESH:: AMARAVATHI

HON'BLE SRI JUSTICE NINALA JAYASURYA

I.A.Nos.4 and 5 of 2022 IN/AND CRIMINAL PETITION No.3407 OF 2022

Pilli Siva Kishore

... Petitioner

Versus

The State of Andhra Pradesh

Represented by its Public Prosecutor and another. ... Respondents

Counsel for the petitioner : Mr.N.Siva Reddy

Counsel for the 1st respondent : The Assistant Public Prosecutor

Counsel for the 2nd respondent : Mr.P.V.V.Satyanarayana

ORDER:

I.A.Nos.4 and 5 of 2022

These miscellaneous petitions are filed under Sections 320(2) and 320(6) r/w Section 482 of Code of Criminal Procedure Code (for short 'Cr.P.C.'), seeking permission to record compromise and compound the offences punishable under Sections 307, 332, 188, 269 and 270 of Indian Penal Code (for short 'IPC') and Sections 51(a) & (b) of Disaster Management Act, 2005, in S.C.No.33 of 2022 on the file of the Court of Assistant Sessions Judge-cum-Senior Civil Judge, Narasapur.

The petitioner / 2nd respondent-*de facto* complainant lodged a complaint against the respondent 1 /petitioner-accused before the Palcole Rural Police Station, West Godavari District, for the offences punishable under Sections 307, 332, 188, 269, 270 of I.P.C., and Sections 51(a) & (b) of Disaster Management Act, 2005, the said case is now pending before the trial Court.

The respondent 1 /petitioner-accused and the petitioner/ 2nd respondent-*de facto* complainant are present and they are identified

by their respective counsels and produced Photostat copies of Aadhar cards to prove their identity.

A joint memo of compromise dated 22.08.2022 is filed by the parties, when terms of joint memo of compromise are explained in Telugu language, they are admitted to be true and correct. It is submitted that the *de facto* complainant and Accused voluntarily entered into compromise, settled the matter outside the Court and that there are no disputes between both the parties.

This Court had gone through the complaint lodged pursuant to which the case is registered. Strictly speaking, the offence under Section 307 of I.P.C., is not compoundable. However, after going through the contents of complaint along with Charge Sheet, affidavit filed by the *de facto* complainant as also Joint Memo dated 22.08.2022, wherein it is stated that the injuries sustained by the *de facto* complainant are simple in nature, in such circumstances, it is felt that continuation of proceedings against the petitioners would be a futile exercise. In the light of the above mentioned facts and circumstances, it is deemed appropriate to compound the offence, in the interest of both the parties and continuation of criminal proceedings, is not warranted.

At this juncture, it may be relevant to refer to the expression of the Hon'ble Supreme Court in **Narinder Singh & Others v. State of Punjab & another**¹ in the context of quashing an offence under Section 307 of I.P.C., which reads thus:

“(VII) While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is

¹ 2014 (6) SCC 466

arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above.....”

In the present case, the compromise is voluntary in the interest of both the parties, and therefore permission is granted to compound the offence. Accordingly, compromise is recorded in terms of the Joint Memo dated 22.08.2022 filed along with the petition and the petitions are ordered.

Crl.P.No.3407 of 2022

In view of the orders passed by this Court in I.A.Nos.4 and 5 of 2022, this Criminal Petition is allowed and the S.C.No.33 of 2022 on the file of the Court of Assistant Sessions Judge-cum-Senior Civil Judge, Narasapur, registered against the petitioner/accused is quashed.

Registry is directed to annex a copy of Joint Memo dated 22.08.2022 to this order.

Consequently, miscellaneous applications, pending if any, shall stand closed.

NINALA JAYASURYA, J

Date : 30-08-2022.

BLV

HON'BLE SRI JUSTICE NINALA JAYASURYA

I.A.Nos.4 and 5 of 2022 IN/AND CRIMINAL PETITION No.3407 OF

2022

Dt: 30.08.2022

BLV