

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

IA Nos.3 and 4 of 2023
in/and
Criminal Petition No.5769 of 2023

Common Order:

This Criminal Petition, under Section 482 Cr.P.C., has been filed by the petitioner herein, seeking to quash the proceedings in C.C.No.4713 of 2021 on the file of the learned I Additional Chief Metropolitan Magistrate, Visakhapatnam.

2. A charge sheet was filed against the petitioner herein and others for the offences punishable under Sections 498A and 323 IPC and Sections 3 and 4 of the dowry prohibition Act.

3. It is represented that both the parties have settled the dispute amicably out of the Court at the intervention of their elders and well wishers. In view of the settlement arrived between both the parties, they filed I.A. Nos.3 and 4 of 2023 seeking to permit them to compound the offences and to record the compromise.

4. It is stated by 2nd respondent-defacto complainant in the affidavit filed in support of I.A.No.3 of 2023 that as per the advice of the well wishers and family elders of both sides, she compromised the matter. She further stated in the affidavit that there is no coercion, force or misrepresentation from anybody in giving the said affidavit or

in compounding the present case and out of her free will and wish, she was giving the affidavit.

5. In *Gian Singh v. State of Punjab & another*,¹ the Hon'ble Apex court 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

¹ 2012 (9) Scale 257

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."

6. Today, when the matter is taken up for hearing, both the parties were present before this Court. They produced their respective Aadhar cards in proof of their identity. Learned counsel for the petitioner and the learned counsel for 2nd respondent identified both the parties in the open Court. This Court questioned the *de facto* complainant with regard to compromise and she categorically stated to that extent that she voluntarily entered into compromise with the petitioner herein.

7. In view of the aforesaid decision of the Hon'ble Apex Court and as the parties have entered into a compromise and compounded the offences, the chances of conviction is bleak and remote and hence continuation of the impugned proceedings is nothing but abuse of process of Court, and accordingly, the proceedings in C.C.No.4713 of 2021 on the file of the learned I Additional Chief Metropolitan Magistrate, Visakhapatnam, are hereby quashed, against the petitioner herein only.

8. Accordingly, IA Nos.3 and 4 of 2023 and Criminal Petition No.5769 of 2023 are allowed.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

K. SREENIVASA REDDY, J

Dated: 19.10.2023
ASR

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

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Dated:19.10.2023

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