

Cheruku Karunasree Vs State Of A.P. Another

Court: High Court For The State Of Telangana:: At Hyderabad

Date of Decision: July 4, 2022

Acts Referred: Code Of Criminal Procedure, 1973 " Section 302, 482
Indian Penal Code, 1860 " Section 209, 417, 420, 468

Hon'ble Judges: A.Santhosh Reddy, J

Bench: Single Bench

Advocate: P Venkanna

Final Decision: Allowed

Judgement

1. The petitioner, who is accused filed this Criminal Petition under Section 482 Cr.P.C. to quash the proceedings in FIR No.122 of 2013 on the file of

the I Town Police Station, Godavarikhani, Karimnagar District for the offences punishable under Sections 209, 417, 420 and 468 of IPC.

2. During pendency of the Criminal Petition, the parties have compromised the matter and accordingly, respondent No.2- de facto complainant has

filed I.A.Nos.1 and 2 of 2022 to permit him to enter into compromise, record the terms of compromise thereof and compound the offences by

quashing the proceedings against accused in the said crime. Along with the said applications, a joint memo which is signed by the parties and their

counsel, photographs of the parties and Photostat copies of their Aadhar Cards came to be filed. In the affidavit filed it has been stated that

respondent No.2 - de facto complainant has filed a complaint against the petitioner /accused before the Police Station and the same has been

registered as FIR No.122 of 2013 for the aforesaid offence. While so, now the de facto complainant has entered into compromise with the accused

and approached this Court for recording the compromise with the petitioner/accused and they have settled the matter outside the Court and she has no

objection for quashing the proceedings against the petitioner.

3. Today, both the parties are present before this Court and they were identified by their respective counsel. This Court, when examined, both the

parties have stated that at the instance of the elders and well wishers of both the parties, they have settled the matter out of the Court and the second

respondent stated that she has no objection for quashing the proceedings against the petitioner.

4. In *Gian Singh v. State of Punjab and another* (2012) 10 Supreme Court Cases 303, the Apex Court held that 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 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 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 proceedings.

5. Taking into consideration the Judgment of the Apex Court referred to above and the fact of settlement arrived at between the parties, I.A.Nos.1

and 2 of 2022 are allowed. Consequently, the Criminal Petition is allowed and the proceedings in FIR No.122 of 2013 on the file of the I Town Police

Station, Godavarikhani, Karimnagar District, are hereby quashed against the petitioner/accused.

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