

(2014) 02 AP CK 0122

In the Andhra Pradesh High Court

Case No : Crl. P.M.P. No. 1899 of 2014 and Crl. P. No. 2034 of 2014

Baddam Naresh

APPELLANT

Vs

State of A.P.

RESPONDENT

Date of Decision : 28-02-2014

Acts Referred:

Andhra Pradesh Prohibition of Ragging Act, 1997 — Section 4(ii)(iv)
Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(1)(x)

Citation : (2014) 2 ALT(Cri) 58

Hon'ble Judges : C. Praveen Kumar, J

Bench : Single Bench

Advocate : P.S.P. Suresh Kumar, Advocate for the Appellant; Ammaji Nettam, Advocate for Respondent Nos. 2 and 3, Advocate for the Respondent

Final Decision : Allowed

Judgement

C. Praveen Kumar, J.—This Criminal Petition is filed by sole accused u/s 482 of the Code of Criminal Procedure, 1973, seeking quashing of investigation in Crime No. 94 of 2014 of Hayathnagar Police Station, which was registered for the offences punishable u/s 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 4(ii)(iv) of Andhra Pradesh Prohibition of Ragging Act, 1997. The allegations in the report would disclose that on 04.02.2014 at about 4.30 p.m. the petitioner is alleged to have ragged the respondent Nos. 2 and 3, beat respondent No. 2 with legs and hands and also abused them by touching their caste. Basing on these allegations the above crime came to be registered.

2. Along with the present Criminal Petition, the petitioner filed Crl. P.M.P. No. 1899 of 2014 seeking permission of the Court to compound the offences. The affidavit of respondent Nos. 2 and 3 filed along with the petition would disclose that at the instance of elders and well-wishers, they have settled the matter out of court and they have no objection for quashing the proceedings against the

petitioner.

3. On 24.02.2014 respondent Nos. 2 and 3 and the petitioner were present before the Court and they were identified by their respective counsel. When examined, respondent Nos. 2 and 3 stated that they have settled the dispute with the petitioner and are not interested in pursuing the matter.

4. In *Gian Singh Vs. State of Punjab and Another*, , 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 u/s 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. The Supreme Court in *Madan Mohan Abbot Vs. State of Punjab*, held as under:

We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law.

6. The petitioner and the respondents are students having a bright future. Keeping in view their future the request of the petitioner can be accepted. Further, the material on record would disclose that the dispute between the parties is purely private in nature and the society at large is not affected. It cannot also be said that the offences with which the petitioner is charged are heinous or grave having its impact on the society at large. As held by this court in Challa Venkata Rami Reddy @ Reddy and Another Vs. The State of A.P. and Another, if the offence is not so serious and has no concern with the society at large, it can be quashed owing to compromise between the parties.

7. Taking into consideration the Judgments of the Apex Court referred to above and the fact of settlement arrived at between the parties, this Court is of the view that even if the proceedings are allowed to continue, respondent Nos. 2 and 3 may not support the case of the prosecution. No useful purpose would be served in allowing the proceedings to go on. In view of the compromise arrived at between the parties continuation of proceedings against the petitioner would be an abuse of process of law.

8. Accordingly, CrI. P.M.P. No. 1899 of 2014 filed for compounding the offences is ordered. Consequently, the Criminal Petition filed for quashing of investigation against the petitioners in Crime No. 94 of 2014 of Hayathnagar Police Station, Cyberabad, is allowed. As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.