
(2013) 09 AP CK 0012

In the Andhra Pradesh High Court

Case No : Criminal P. No. 9741 of 2013

K.S.S. Rajendra Prasad and Another

APPELLANT

Vs

State of Andhra Pradesh and Another

RESPONDENT

Date of Decision : 05-09-2013

Acts Referred:

Citation : (2014) 1 ALD(Cri) 102 : (2013) 2 ALD(Cri) 705

Hon'ble Judges : C. Praveen Kumar, J

Bench : Single Bench

Advocate : K. Satyanarayana Rao, for the Appellant;

Judgement

C. Praveen Kumar, J.—This criminal petition is filed u/s 482 of the Code of Criminal Procedure, 1973, seeking to quash the investigation in Crime No. 741 of 2012 of KPHB Colony Police Station, Cyberabad, which was registered against the petitioners/accused Nos. 1 and 2 for the offences punishable under Sections 420, 506 and 406 IPC and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "the Act"). The allegations in the report are as under:

The second respondent-complainant purchased Flat No. 501 in the fifth floor of Balaji Residency with built up area of 1250 Sq. ft. including common area, together with undivided share of land admeasuring 40 Sq. yds. After receiving the entire sale consideration, the petitioners, who are builders, executed a sale deed signed by accused No. 1 at the Sub-Registrar Office. Later, Greater Hyderabad Municipal Corporation gave a show-cause notice to the landlord and the petitioners under the provisions of Section 636(1) of the Hyderabad Municipal Corporation Act and directed the builder to remove the deviations in stilt + 4 upper floors and un-authorised constructions of fifth floor within 24 hours. On seeing the notice, the second respondent-complainant approached the petitioners, who sold the said plot to him and requested them to clarify the matter with the authorities. At that time, the petitioners are alleged to have abused the second respondent by referring his caste. Basing on the report of the

second respondent, the above crime came to be registered.

2. Along with the present application, the parties filed CrI. P. M.P. No. 8979 of 2013 seeking permission of the Court to compound the offences.

3. The parties are present before the Court on 2.9.2013 and they were identified by their respective Counsel. When examined, the second respondent-complainant stated that he has settled the dispute with the accused and has no objection for quashing the proceedings.

4. The affidavit of the second respondent, which is filed along with the said application, would disclose that at the instance of elders and well-wishers they have settled the matter out of Court.

5. In *Kulwinder Singh and Others Vs. State of Punjab and Another*, a Larger Bench of Punjab and Haryana High Court held as under:

The compromise, in a modern society, is the sine qua non of harmony and orderly behavior. It is the soul of justice and if the power u/s 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers u/s 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.

It was further held as under:

The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court u/s 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar u/s 320 of the Cr.P.C. in order to prevent the abuse of law and to secure the ends of justice.

6. Similarly, in *Gian Singh Vs. State of Punjab and Another*, the Apex Court held that in view of the compromise arrived at between the parties, the possibility of conviction is remote and bleak and continuation of criminal proceedings would put the 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.

7. Though the offence u/s 3(1)(x) of the Act is not compoundable, but this Hon'ble Court in Criminal Petition No. 6359 of 2013 was pleased to allow the application filed for compounding the offences where the case was registered under the provisions of the said Act.

8. Taking into consideration the judgments referred to above and in view of the compromise arrived at between the parties and also in view of the unwillingness of the second respondent to proceed further in the complaint filed by him, this Court is of the view that continuation of proceedings would be an abuse of process of law as no useful purpose would be served in allowing the proceedings to go on as the chances of conviction would be very remote and bleak.

9. In view of the compromise arrived at, Crl. P. M.P. No. 8979 of 2013 is ordered by recording the compromise. Consequently, the criminal petition filed for quashing the investigation against the petitioners in Crime No. 741 of 2012 of KPHB Colony Police Station, Cyberabad, is allowed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.