
(2014) 02 AP CK 0121

In the Andhra Pradesh High Court

Case No : Crl. P. No. 2152 of 2014 and Crl. P.M.P. No. 1901 of 2014

P. Srinivasa Rao

APPELLANT

Vs

State of A.P.

RESPONDENT

Date of Decision : 21-02-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482

Penal Code, 1860 (IPC) — Section 323, 506

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(1)(x)

Citation : (2014) 1 ALD(Cri) 733 : (2014) 2 ALT(Cri) 62

Hon'ble Judges : C. Praveen Kumar, J

Bench : Single Bench

Advocate : K. Satyanarayana Rao, Advocate and Public Prosecutor on behalf of Respondent No. 1, Advocate for the Appellant; K. Govind Reddy, Advocate for Respondent No. 2, Advocate for the Respondent

Judgement

C. Praveen Kumar, J.—This Criminal Petition is filed by the accused u/s 482 Cr.P.C., seeking quashing of investigation in Cr. No. 718/2013 of Miyapur Police Station, Ranga Reddy District, registered for the offences punishable under Sections 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short "SC and ST Act") and 506 IPC on the ground that the parties have settled their disputes. The averments in the report would clearly disclose that on 27-10-2013 at about 9 p.m., the complainant and two others demanded the accused to pay their salaries, for which, he is alleged to have abused them by touching their caste apart from threatening with dire consequences.

2. Along with the present petition, the defacto complainant/second respondent filed Crl. P.M.P. No. 1901/2014 seeking permission of the court to compound the offences. The affidavit of the second respondent filed along with the said petition would disclose that at the intervention of well wishers and the elders, the parties have settled their dispute.

3. The de facto complainant and the petitioner are present in the court and they were identified by their respective counsel. When examined, the second respondent stated that he has compromised the matter with the petitioner and has no objection for quashing the proceedings against the petitioner.

4. A three Judge Bench of the Apex Court in *Gian Singh Vs. State of Punjab and Another*, held as under:

53. Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. They are different and not interchangeable. Strictly speaking, the power of compounding of offences given to a court u/s 320 is materially different from the quashing of criminal proceedings by the High Court in exercise of its inherent jurisdiction. In compounding of offences, power of a criminal court is circumscribed by the provisions contained in Section 320 and the court is guided solely and squarely thereby while, on the other hand, the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment.

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 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 proceeding.

5. By an order dt. 7-9-2009 in Crl. P. No. 7048/2009, this Court was pleased to quash the proceedings on the ground of compromise arrived at between the parties where the case was registered under the provisions of SC and ST Act. Similarly, in Crl. P. No. 894/2011, this Court by an order dt. 24-1-2011 was pleased to quash the investigation in Cr. No. 141/2010 of Pakala Police Station registered for the offences punishable u/s 323 and 506 IPC and Section 3(1)(x) of the SC and ST Act on the ground that the parties have settled their disputes. Similar view was taken by this court in K.S.S. Rajendra Prasad and Another Vs. State of Andhra Pradesh and Another,

6. Keeping in view the principles of law enunciated by the Apex Court, I shall now deal with the case on hand.

7. A perusal of the averments in the report would clearly indicate that there was a dispute between the parties on 27-10-2013 with regard to payment of salary. The dispute between the parties is purely private and personal in nature, not affecting 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.

8. Taking into consideration the settlement arrived at between the parties and as the offence alleged being not grave, this court is of the opinion that continuation of investigation against the petitioner would amount to an abuse of process of law. As the possibility of conviction would be remote and bleak extreme injustice would be caused to the accused by not quashing the investigation despite full and complete settlement between the parties. Accordingly, Crl. P.M.P. No. 1901/2014 is ordered. Consequently, the criminal petition is allowed and the investigation in Cr. No. 718/2013 of Miyapur Police Station, Cyberabad, is hereby quashed. Miscellaneous petitions, if any, shall stand closed.