

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

TUESDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K. SREENIVASA REDDY

IA Nos.1 of 2024 and 2 of 2024
in/and
Criminal Petition No:3235 of 2024

Between:

1. Endla Ashok Kumar, S/o. E.Venkatramana, 31 years, Occ: Coolie, R/o. D.No.1-1316, Kotapalli village, Piler Mandal, Annamayya District.
2. Endla Savithri @ E. Savithamma, W/o.E.Venkatramana, 47 years, Occ: Coolie, R/o. D.No.1-1316, Kotapalli village, Piler Mandal, Annamayya District.
3. Endla Venkatramana, S/o. late E.Krishnaiah, 54 years, Occ: Coolie, R/o. D.No.1-1316, Kotapalli village, Piler Mandal, Annamayya District.

... Petitioners/A1 to A3

A n d

1. The State of Andhra Pradesh, represented by its Public Prosecutor, High Court of Andhra Pradesh at Amaravati.
2. Endla Nagaveni, W/o. Engla Ashok Kumar, 32 years, Occ: Housewife, R/o. Model Colony, Piler Town and Mandal, Annamayya District. (Complainant)

... Respondents

- 1 The Court made the following:

COMMON ORDER

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'CrPC'), is filed by the

petitioners herein/A1 to A3, to quash charge sheet in Calendar Case No.58 of 2023 on the file of the Additional Junior Civil Judge, Piler filed for the offences punishable under Sections 498A and 506 read with 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 pertaining to FIR No.227 of 2022 of Piler Urban Police Station, Piler.

2. 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 at, between the parties, respondent No.2/*de facto* complainant filed I.A.Nos.1 of 2024 and 2 of 2024 seeking to permit the parties to compound the offence and to record the compromise.

3. Today, when the matter is taken up, petitioners herein/A1 to A3 and 2nd respondent herein are present before this Court. They produced their respective aadhar cards in proof of their identity. Learned counsel for the petitioners herein/A1 to A3 and the learned counsel for 2nd respondent have identified both the parties in the open Court. This Court has questioned 2nd respondent herein/*de facto* complainant with regard to compromise and she categorically stated to that extent that she has voluntarily entered into compromise with the petitioners herein/A1 to A3. This Court is satisfied with the identification of

the parties and voluntariness in arriving at the compromise. In view of the compromise between the parties, the chances of conviction are remote and bleak.

4. In **Gian Singh v. State of Punjab & another**¹ the Hon'ble Apex court held at paragraph No.57, as under:

"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

¹ 2012 (9) Scale 257

criminal cases having overwhelmingly and pre-dominantly civil favour 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. 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, this Criminal Petition is allowed and the charge sheet in Calendar Case No.58 of 2023 on the file of the Additional Junior Civil Judge, Piler, against the petitioners herein/A1 to A3, is hereby quashed.

6. Accordingly, I.A.Nos.1 of 2024 and 2 of 2024 and Criminal Petition No.3235 of 2024 are allowed.

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

JUSTICE K. SREENIVASA REDDY

25th June, 2024.

DNB