



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3521]

WEDNESDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

I.A.Nos.1 and 2

In&

CRIMINAL REVISION CASE NO: 720/2023

Between:

Kinnera Venkata Rameswara Rao,

...PETITIONER

AND

The State of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. Pillix Law Firm

Counsel for the Respondent(S):

1. Nikhilesh T

2. Public Prosecutor (AP)

The Court made the following:

COMMON ORDER:

Heard the learned counsel for the petitioner, the learned counsel for the 2nd respondent and learned Assistant Public Prosecutor.

2. The petitioner/accused/husband and the 2nd respondent/de-facto complainant/ wife are present.

3. Criminal Revision Case has been preferred under Sections 397 and 401 of Code of Criminal Procedure, 1973 (for brevity 'the Cr.P.C') challenging the order dated 14.07.2023 in Crl.M.P.No.221 of 2023 in S.C.No.14 of 2021 whereby and whereunder the petition filed by the petitioner/accused for discharging him for the alleged offences under Sections 328, 498-A, 420 of the Indian Penal Code, 1860 (for brevity 'the I.P.C') was dismissed.

4. The 2nd respondent/de-facto complainant/wife filed a petition seeking permission of this Court to record a compromise arrived in between the husband and wife. The permission petition was counter signed by the learned counsels for both sides and also the respective parties. The de-facto complainant/2nd respondent/wife also filed an application I.A.No.2 of 2025 to permit her to compound the offence with the petitioner/accused. The offences alleged against the petitioner are Sections 328, 498-A and 420 of 'the I.P.C.,' except the Section 328 of 'the I.P.C.,' the rest of the offences are all compoundable. Section 328 of 'the I.P.C.,' is not enumerated in the list of the offences compoundable under Section 320 of 'the Cr.P.C'. The allegation against the petitioner is that he has given 40 tablets to the 2nd respondent and asked her to take daily two tablets. The 2nd respondent started taking two tablets and for about 20 days. Later, she suffered some skin allergy. She consulted a doctor the doctor suggested her to undergo blood tests. The blood reports were received in which it was noted that the medicine which she had consumed would have caused skin allergy and the doctor concerned advised

her not to continue consumption of two tablets. As the tablets reacted the 2nd respondent got skin allergy. It is the apprehension of the 2nd respondent at the time of lodging the report that had she continued the tablets given by the petitioner her life would have been in danger.

5. In this regard, it is opposite to refer Section 328 of 'the I.P.C'.

"Whoever administers to or causes to be taken by any person any poison or any stupefying, intoxicating or unwholesome drug, or other thing with intent to cause hurt to such person, or with intent to commit or to facilitate the commission of an offence or knowing it to be likely that he will thereby cause hurt, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine".

6. On plain reading of the Section 328 of 'the I.P.C.,' it would be clear that Section 328 of 'the I.P.C.,' would apply when any person administers or causes to take any person poison or any stupefying, intoxication of some drug or other thing with intent to cause hurt to such person or with intend to commit of facilitate the commission of such offence, then person is liable for punishment up to 10 years.

6. As seen from the averments of the charge sheet, it is silent that which drug was or which tablet was given by the petitioner to 2nd respondent that is to say, the name of the drug is not mentioned and there is no scientific opinion that the said drug would cause hurt to the 2nd respondent. The 2nd respondent was not subjected to forensic analysis by the competent government doctor. L.W.9 was only a medical officer of Dr. Butras Positive Health Care, Vijayawada. He is not Government Medical Officer. The FSL report issued by the L.W.7 speaks that there was no sedative substance found in the

medicines. There is no reference about seizer of the tablets from the possession of the 2nd respondent under a cover of mahazarnma. Whether the petitioner entertained a guilty intention to cause hurt to 2nd respondent by means of giving the tablets, is not clear in the allegations or on the record. The name of the tablets are not mentioned in the charge sheet. The petitioner and the 2nd respondent are wife and husband there are matrimonial disputes in between them. The faith and trust play pivotal role in between the relationship of husband and wife. If those are lost, the relationship may not continue for any longer period. It is submitted by the learned counsel for the both sides that the 2nd respondent got filed a petition for dissolution of the marriage and it was decreed on 20.06.2025 by the learned IV Additional District Judge, Vijayawada in F.C.O.P.No.972 of 2018.

7. Indeed, in I.A.No.2 of 2025 an affidavit was filed by the 2nd respondent narrating the facts that she wanted to compromise the matter with the petitioner and she filed divorce O.P and got a favourable order. The 2nd respondent did not claim permanent alimony from the petitioner. Application of Section 328 of 'the I.P.C.,' to the facts and circumstances the case is highly not probable and doubtful. The rest of the offences are all compoundable.

8. The Hon'ble Apex Court in **Gian Singh v. State of Punjab**¹, at paragraph Nos.57, 58 & 61 held as under:

"57. 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.

¹(2012) 10 SCC 303

They are different and not interchangeable. Strictly speaking, the power of compounding of offences given to a court under Section 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.

58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.

61. 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 FIR may be exercised where the offender and the 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 a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the 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 predominatingly civil flavour stand on a 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, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case 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. 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 the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

9. The Hon'ble Apex Court in **B.S. Joshi v. State of Haryana**², at paragraph Nos.5, 6, 8 & 15 held as under:

“5. After reproducing the seven categories of cases as given in para 102 of Bhajan Lal case [1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] the High Court has held that the parameters, principles and guidelines for quashing of complaints, first information report and criminal proceedings have been settled in terms thereof and has concluded therefrom that the instant case does not fall in any of the said categories. It is quite clear that the High Court has lost sight of the earlier part of para 102 which made it abundantly clear that the said categories of cases were being given by way of illustration. Neither were the categories of cases given exhaustive nor could it be so. Before giving those categories, it was said in Bhajan Lal case [1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] that: (SCC p. 378, para 102)

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.”

6. In *Pepsi Foods Ltd. v. Special Judicial Magistrate* [(1998) 5 SCC 749 : 1998 SCC (Cri) 1400] this Court with reference to Bhajan Lal case [1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] observed that the guidelines laid therein as to where the court will exercise jurisdiction under Section 482 of the Code could not be inflexible or laying rigid formulae to be followed by the courts. Exercise of such power would depend upon the facts and circumstances of each case but with the sole purpose to prevent abuse of the process of any court or otherwise to secure the ends of justice. It is well settled that these powers have no limits. Of course, where there is more power, it becomes necessary to exercise utmost care and caution while invoking such powers.

²(2003) 4 SCC 675

8. It is, thus, clear that Madhu Limaye case [(1977) 4 SCC 551 : 1978 SCC (Cri) 10] does not lay down any general proposition limiting power of quashing the criminal proceedings or FIR or complaint as vested in Section 482 of the Code or extraordinary power under Article 226 of the Constitution of India. We are, therefore, of the view that if for the purpose of securing the ends of justice, quashing of FIR becomes necessary, Section 320 would not be a bar to the exercise of power of quashing. It is, however, a different matter depending upon the facts and circumstances of each case whether to exercise or not such a power.

15. In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code.”

10. The Hon’ble Apex Court in **Madhu Limaye v. State of Maharashtra**³, at paragraph Nos.9 & 11 held as under:

“9. In most of the cases decided during several decades the inherent power of the High Court has been invoked for the quashing of a criminal proceeding on one ground or the other. Sometimes the revisional jurisdiction of the High Court has also been resorted to for the same kind of relief by challenging the order taking cognizance or issuing processes or framing charge on the grounds that the Court had no jurisdiction to take cognizance and proceed with the trial, that the issuance of process was wholly illegal or void, or that no charge could be framed as no offence was made out on the allegations made or the evidence adduced in Court. In the background aforesaid, we proceed to examine as to what is the correct position of law after the introduction of a provision like sub-section (2) of Section 397 in the 1973 Code.

11. In *R.P. Kapur v. State of Punjab* [AIR 1960 SC 866 : (1960) 3 SCR 388 : 1960 Cri LJ 239] Gajendragadkar, J., as he then was, delivering the judgment of this Court pointed out, if we may say so with respect, very succinctly the scope of the inherent power of the High Court for the purpose of quashing a criminal proceeding. Says the learned Judge at pp. 392-93:

“Ordinarily criminal proceedings instituted against an accused person must be tried under the provisions of the Code, and the High Court would be reluctant to interfere with the said proceedings at an interlocutory stage. It is not possible, desirable or expedient to lay down any inflexible rule which would govern the exercise of this inherent jurisdiction. However, we may indicate some categories of cases where the inherent jurisdiction can and should be exercised for quashing the proceedings. There may be cases where it may be possible for the High Court to take the view that the institution or continuance of criminal proceedings against an accused person may amount to the abuse of the process of the Court or that the quashing of the impugned proceedings would secure the ends of justice. If the criminal proceeding in question is in respect of an offence alleged to have been committed by an accused person and it manifestly appears that there is a legal bar against the institution or continuance of the said proceeding the High Court would be justified in quashing the proceeding on that ground. Absence of the requisite sanction may, for instance, furnish cases under this category. Cases may also arise where the allegations in the first information report or the complaint, even if they are taken at their face value and

³(1977) 4 SCC 551

accepted in their entirety, do not constitute the offence alleged; in such cases no question of appreciating evidence arises; it is a matter merely of looking at the complaint or the first information report to decide whether the offence alleged is disclosed or not. In such cases it would be legitimate for the High Court to hold that it would be manifestly unjust to allow the process of the criminal court to be issued against the accused person. A third category of cases in which the inherent jurisdiction of the High Court can be successfully invoked may also arise. In cases falling under this category the allegations made against the accused person do constitute an offence alleged but there is either no legal evidence adduced in support of the case or evidence adduced clearly or manifestly fails to prove the charge. In dealing with this class of cases it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is manifestly and clearly inconsistent with the accusation made and cases where there is legal evidence which on its appreciation may or may not support the accusation in question. In exercising its jurisdiction under Section 561-A the High Court would not embark upon an enquiry as to whether the evidence in question is reliable or not. That is the function of the trial Magistrate, and ordinarily it would not be open to any party to invoke the High Court's inherent jurisdiction and contend that on a reasonable appreciation of the evidence the accusation made against the accused would not be sustained."

We think the law as stated above is not affected by Section 397(2) of the new Code. It still holds good in accordance with Section 482."

11. The Hon'ble Apex Court in *Pradeep Kumar Kesarwani v. The State of Uttar Pradesh*⁴ at paragraph No.20 held as under:

"20. The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr.P.C.:-

(i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality?

(ii) Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

(iii) Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?

(iv) Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal - proceedings, in exercise of power vested in it under Section 482 of the Cr.P.C. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as,

⁴MANU/SCOR/68068/2025

proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused”

12. The learned counsel for the petitioner has relied upon a decision of this Court in **Chepala Appala Raju v. State of Andhra Pradesh**⁵ wherein it is held as under:

“6...Learned counsel further relied upon the observations of the Hon'ble Apex Court in Gian Singh Vs. State of Punjab and Another¹, while adjudicating the inherent power of the High Court under section 482 of Criminal Procedure Code, 1973 [for short Cr.P.C.] in quashing the criminal proceedings against an offender, who has settled his dispute with the victim of the crime, but the crime in which he is allegedly involved is not compoundable under section 320 Cr.P.C., it was observed that –

"In a very recent judgment decided by this Court in the month of July, 2012 in Jayrajsinh Digvijaysinh Rana v. State of Gujarat, this Court was again concerned with the question of quashment of an FIR alleging offences punishable under Sections 467, 468, 471, 420 and 120-B IPC. The High Court refused to quash the criminal case under Section 482 of the Code. The question for consideration was that inasmuch as all those offences, except Section 420 IPC, were non-compoundable offences under Section 320 of the Code, whether it would be possible to quash the FIR by the High Court under Section 482 of the Code or by this Court under Article 136 of the Constitution of India. The Bench elaborately considered the decision of this Court in Shij and by invoking Article 142 of the Constitution quashed the criminal proceedings. It was held as under: (Jayrajsinh' case, SCC paras-13-15):-

"13. In the light of the principles mentioned above, inasmuch as Respondent No. 2 the Complainant has filed an affidavit highlighting the stand taken by the appellant (Accused No. 3) during the pendency of the appeal before this Court and the terms of settlement as stated in the said affidavit, by applying the same analogy and in order to do complete justice under Article 142 of the Constitution, we accept the terms of settlement in so far as the Appellant herein (Accused No. 3) is concerned.

14. In view of the same, we quash and set aside the impugned FIR No. 45 of 2011 registered with Sanand Police Station, Ahmedabad for offences punishable Under Sections 467, 468, 471, 420 and 120-B of IPC insofar as the Appellant (Accused No. 3) is concerned.

15. The appeal is allowed to the extent mentioned above."

7. It is further held in the above judgment that -

"61... 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

⁵ Crl.P.No.378 of 2022 dated 22.03.2022

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."

8... In view of the above observations laid down by the Hon'ble Apex Court, in *Gian Singh v. State of Punjab*, with regard to the inherent power of the High Court under Section 482 of Cr.P.C. in relation to non-compoundable offences, and having carefully considered the facts and circumstances of the case, and in view of the joint memo filed by the parties, I am satisfied that the aforesaid compromise is executed by the parties out of their free will and they confirm the terms thereof, when being specifically asked, there is no impediment in recording the said compromise.

13. In the facts and circumstances of those cases, this Court and the Hon'ble apex Court permitted the parties to compound offence even if it is a non-compoundable offence. Taking into consideration the joint petition filed by the petitioner and the 2nd respondent and in view of the fact that their marriage was already dissolved by the Court of competent jurisdiction and they want to live separately, continuation of a sessions case on the file of the learned Mahila Sessions Court would not give any positive result. Therefore, two I.A.Nos.1 and 2 of 2025 are allowed permitting the 2nd respondent to compromise the case with the petitioner.

14. In the result, the Criminal Revision Case is disposed of as compromised. The petitioner is discharged from the Sessions Case No.14 of 2021 on the file of the learned Sessions Judge Mahila Court, Vijayawada. There shall be no order as to costs.

As a sequel, interlocutory applications, if any pending, shall stand closed.

Dr. Y. LAKSHMANA RAO, J

Dt: 06.08.2025
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200

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL REVISION CASE NO: 720 OF 2023

06.08.2025

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